

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BROOKE LAYTON, individually	§	
and on behalf of all others similarly	§	CIVIL ACTION NO.
situated,	§	3:21-cv-01636-N
Plaintiff,	§	
	§	
vs.	§	
	§	
MAINSTAGE MANAGEMENT, INC.,	§	COLLECTIVE ACTION
NICK’S MAINSTAGE, INC. - DALLAS	§	JURY TRIAL DEMANDED
PT’S d/b/a PT’S MENS CLUB and	§	
NICK MEHMETI,	§	
	§	
Defendants.	§	

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DEFENDANTS’ APPENDIX IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT

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COME NOW, MAINSTAGE MANAGEMENT, INC., NICK’S MAINSTAGE, INC. - DALLAS PT’S d/b/a PT MEN’S CLUB and NICK MEHMETI (collectively, the “Defendants”) and file this, their Supplemental Appendix in Support of Defendants’ Motion for Summary Judgment (the “Supplemental Appendix”) and incorporates the same by reference as if fully set forth herein:

Exhibit	Description	APPX
F	Deposition of Nick Mehmeti dated July 7, 2022 (the “Mehmeti Depo. I”); and,	SUPP APPX 110-146
G	Excerpts from the Deposition of Nick Mehmeti dated March 9, 2022 (the “Mehmeti Depo. II”); and,	SUPP APPX 147-170
H	Deposition of Brooke Layton dated February 11, 2022 (the “Layton Depo.”).	SUPP APPX 171-209

Respectfully submitted,

SHEILS WINNUBST  
A Professional Corporation

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**CERTIFICATE OF SERVICE**

I certify that on July 26, 2022, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel and parties of record electronically or by another means authorized through Federal Rule of Civil Procedure 5(b)(2) and Local Rule 7.2.

/s/ Latrice E. Andrews  
Latrice E. Andrews

NICK MEHMETI

July 07, 2022

LAYTON V. MAINSTAGE MANAGEMENT

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BROOKE LAYTON, Individually )  
and on behalf of all other )  
similarly situated, )  
Plaintiff, )  
VS. ) CA NO. 3:21-cv-01636-N  
MAINSTAGE MANAGEMENT, INC., ) COLLECTIVE ACTION  
NICK'S MAINSTAGE, INC. - ) JURY DEMANDED  
DALLAS PT'S d/b/a PT'S )  
MEN'S CLUB and NICK MEHMETI, )  
Defendants. )

ORAL DEPOSITION OF  
NICK MEHMETI  
JULY 7, 2022  
(Reported Remotely)

ORAL DEPOSITION of NICK MEHMETI, produced as a witness  
at the instance of the Plaintiff, and duly sworn, was taken in  
the above-styled and numbered cause on July 7, 2022, from  
11:10 a.m. to 12:07 p.m., before KELLY CHANDLER, a Certified  
Shorthand Reporter in and for the State of Texas, reported by  
machine shorthand, pursuant to the Federal Rules of Civil  
Procedure, the First Emergency Order Regarding the COVID-19  
State of Disaster, and the provisions stated on the record.

NICK MEHMETI

July 07, 2022

LAYTON V. MAINSTAGE MANAGEMENT

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A P P E A R A N C E S

(Appearing Via Zoom Videoconference)

FOR THE PLAINTIFF, BROOKE LAYTON, Individually and on behalf  
of all other similarly situated:

MR. ALEXANDER KYKTA  
Ellzey & Associates, PLLC  
1105 Milford Street  
Houston, Texas 77066  
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FOR THE DEFENDANTS, MAINSTAGE MANAGEMENT, INC., NICK'S  
MAINSTAGE, INC. - DALLAS PT'S d/b/a PT'S MEN'S CLUB and NICK  
MEHMETI:

MS. LATRICE E. ANDREWS  
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NICK MEHMETI

July 07, 2022

LAYTON V. MAINSTAGE MANAGEMENT

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1 COURT REPORTER: This deposition of Nick  
2 Mehmeti is being conducted remotely via Zoom. The witness is  
3 located in Richardson, Texas. My name is Kelly Chandler. I  
4 am administering the oath and reporting the deposition  
5 remotely by stenographic means from my residence within the  
6 State of Texas.

7 NICK MEHMETI,  
8 having been duly sworn, testified as follows:

9 EXAMINATION

10 BY MR. KYKTA:

11 Q Good morning, Mr. Mehmeti. My name is Alex Kykta.  
12 I represent the Plaintiffs in the matter. That would be  
13 Brooke Layton and Ashlynn Shipley. Let me start by asking,  
14 have you ever been deposed before?

15 A Yes, sir.

16 Q When was the last time you were deposed?

17 A I do not remember the date, Mr. Kykta, but I've been  
18 deposed, yes, sir.

19 Q Was it in the past few years?

20 A Yes.

21 Q And was it in relation to FLSA matters?

22 A I'm not sure about that too, but I definitely got  
23 deposed before.

24 Q Okay. Do you know how many times you've been  
25 deposed?

1 A I'd say at least a couple times.

2 Q All right.

3 A It was not FLSA. It was other matters. I don't  
4 know exact, but it was not FLSA.

5 Q Okay. Was it in relation to activities at your  
6 club?

7 A My other businesses.

8 Q And what businesses do you run?

9 A Restaurants and clubs.

10 Q Okay. And so today we're talking specifically about  
11 Nick's Mainstage, Inc. doing business as PT's; is that  
12 correct?

13 A Yes, sir.

14 Q Okay. And I'll probably refer to the club as PT's  
15 throughout. You'll know what I'm referring to?

16 A I'd prefer you do that.

17 Q Excellent. Okay. And so just as a refresher how  
18 things will go today, I'll be asking questions; you'll be  
19 answering. We'll try not to talk over each other, and we'll  
20 wait until each other's finished speaking before we begin  
21 talking. That way it's easiest on the court reporter. Does  
22 that work for you?

23 A That will work great.

24 Q Okay. And if you need a break at any time, just let  
25 me know, and we can take one and grab some water or go to the

1 restroom, et cetera. Does that work?

2 A Lunch break and all? All right.

3 Q I think so, at this point, yes. Okay. So let's  
4 start. What is the address of PT's Club?

5 A 10609 Plano Road, Dallas, Texas.

6 Q And how long has PT's been open there?

7 A Well, in that location, since February 14th of  
8 2004.

9 Q And was PT's at another location beforehand?

10 A Yes, sir.

11 Q Where was it beforehand?

12 A Back in Dallas at another location.

13 Q Do you remember that address?

14 A 4875 West Lawther Drive.

15 Q And when did that location open?

16 A We opened in 1976.

17 Q So PT's has been open quite a long time now?

18 A About 40-something years.

19 Q All right. Now, what hours is PT's usually open  
20 now?

21 A 11:00 a.m. Monday through Saturday; 12:00 noon  
22 Sunday; and closed Monday, Tuesday, Wednesday at 2:00 a.m.;  
23 Thursday, Friday, Saturday at 4:00 a.m.

24 Q And what position do you hold with PT's?

25 A CEO/President.



1 Q And how long have you been the CEO/President?

2 A Since I was 24, 1983.

3 Q All right. And about how many people does PT's  
4 employ?

5 A It employs anywhere from 70 to 80 biweekly payroll.

6 Q And what are the different types of employees that  
7 you have on staff?

8 A Employees: Waitresses, bartenders, busboys,  
9 barbacks, kitchen, dishwashers, deejays, managers, assistant  
10 managers, floor managers.

11 Q Thank you. How many dancers work at PT's?

12 A Anywhere from --

13 MS. ANDREWS: Objection, form.

14 A The entertainers, anywhere from 15 to 40 a shift.

15 Q And a shift is how long?

16 A For our shifts, we run two shifts: 11:00 a.m. to  
17 7:00, then 4:00 to midnight, then 7:00 to 4:00.

18 Q Okay. So about nine hours, or eight to nine hours a  
19 shift?

20 A No, there's never a nine-hour shift. Anywhere from  
21 six to eight hours max.

22 Q Okay. So for the 7:00 to 4:00, you're just saying  
23 within that time period, you'd work an eight-hour shift?

24 A Well, it depends what position you're at, you know.  
25 If you work day shift, you can work eight hours or you can

1 work six hours, depending what position you're at.

2 Q Okay. How many clubs do you own?

3 A Two clubs.

4 MS. ANDREWS: Objection, form. And are we  
5 taking the corporate rep deposition, or which deposition are  
6 you proceeding with?

7 MR. KYKTA: I was taking the personal,  
8 individual deposition of Nick Mehmeti.

9 MS. ANDREWS: Okay. I'm sorry. Leigh said  
10 that y'all were doing it the other way around, so okay.

11 MR. KYKTA: Oh, my apologies. I thought we had  
12 it scheduled with the personal first and then the corporate  
13 rep second.

14 MS. ANDREWS: It doesn't really matter. I was  
15 just making sure because, obviously, the scope is different.

16 MR. KYKTA: Yeah. Understood. We'll be doing  
17 the individual first, and then switching to the corporate rep  
18 afterwards.

19 Q (By Mr. Kykta) Okay. And what's the name of your  
20 other club, Mr. Mehmeti?

21 A Lipstick Men's Club.

22 Q And is that located in Dallas?

23 A Yes, sir.

24 Q How long have you had that club?

25 A June 1st of 1990.

1 Q So that was your second club?

2 A Yes.

3 Q So at PT's, do you ever get involved in the hiring  
4 process?

5 A I have the final say-so on almost everything.

6 Q So you have hire and fire ability?

7 A Correct.

8 Q How often are you at the club?

9 A I'm in and out of there every day -- not every day,  
10 seven days a week, but I'll say at least five, six, sometimes  
11 seven.

12 Q So relatively frequently?

13 A Yes.

14 Q How often do you spend at the club?

15 A Anywhere from half an hour to seven, eight, ten  
16 hours.

17 Q Whatever's required that day?

18 A Yes, sir.

19 Q Okay. So have you set the different rules at the  
20 club?

21 MS. ANDREWS: Objection, form.

22 A What do you mean by that, sir?

23 Q So I know there are certain requirements that the  
24 employees have to follow, as well as the entertainers. Were  
25 you involved in setting those different requirements and

1 rules?

2 MS. ANDREWS: Objection, form.

3 A That would be myself and the attorneys I've got, and  
4 probably the GM when it's needed.

5 Q Who's the GM?

6 A Todd Williams.

7 Q How long has Todd Williams been the general manager,  
8 GM?

9 A I think he's been there about 12 years.

10 Q And he's a salaried employee?

11 A Yes, sir.

12 Q Is he there every day, or what is his schedule?

13 A He's there five or six days a week, mostly five and  
14 six or six.

15 Q And you hired him and determined how much he gets  
16 paid?

17 A Yes, sir.

18 Q And you've set the different prices that the  
19 entertainers get paid, as well, at the club?

20 MS. ANDREWS: Objection, form.

21 A Entertainers don't get paid, sir. I set the fees.  
22 I set the fees for the contracts, yes.

23 Q So what are the different fees that you've set in  
24 the contracts for the entertainers?

25 A They vary, sir. It could be from zero to \$100.00.

1 Q What is the 100-dollar fee for?

2 A Entertainers make their own schedules. They come  
3 when they want to, leave when they want to. There's no set  
4 time for them to come in. They come when they want to.

5 If they come in at midnight and leave two hours  
6 later, they pay the highest fees, or if they get there early  
7 -- they set the fees they want to pay. If they want to pay  
8 nothing, they come early, they pay zero. If they come late,  
9 they pay more.

10 Q Well, what is the timing that determines the  
11 different payments?

12 A I don't know the exact time and minute, but if you  
13 come in when the club opens, you pay zero. You come in at  
14 midnight, you pay anywhere from 50 bucks to \$100.00.

15 Q There's also other fees in between 50 and 100?  
16 Would you pay, say, 25 for a certain time?

17 A Yeah, they're anywhere from 20 to 200 -- from zero  
18 to 100.

19 Q Zero to 100?

20 A Yes.

21 Q Not 200?

22 A No, no.

23 Q Okay. Is there a cover fee to enter PT's?

24 A Yes, sir.

25 Q What is the cover fee?

1 A Well, now, or at the time that we're talking about  
2 of this case?

3 Q Oh, I guess during the relevant period. Well, both.  
4 Let's start with now, and then what was the cover fee during  
5 the relevant period of this case, 2018 to 2019?

6 A At the time, I think it was anywhere from \$8.00 for  
7 the day shift, and 10 to \$20.00 at night. And now I think  
8 it's \$10.00 for day, and 20 at night.

9 Q Thank you. Mr. Mehmeti, do you own an interest in  
10 Mainstage, Inc.?

11 A Yes, sir.

12 Q Are you the sole owner of Mainstage, Inc.?

13 A Correct.

14 Q And what does Mainstage, Inc. do?

15 A Well, Mainstage, Inc. owns and operates PT's.

16 Q So you're the CEO/President of PT's, and Mainstage,  
17 Inc. owns PT's, and you own Mainstage, Inc.?

18 A PT's is a trade name, sir. PT's Men's Club is a  
19 trade name.

20 Q And that's of Nick's Mainstage?

21 A Right, Nick's Mainstage.

22 Q And Mainstage, Inc. owns Nick's Mainstage?

23 A I'm all confused here, sir. In the last year, I  
24 don't know what all -- what anymore. All I know, it's Nick's  
25 Mainstage, Inc. now, and PT's Men's Club is the trade name

1 that we're doing business.

2 Q And my apologies. I meant to say Mainstage

3 Management, Inc.

4 A Mainstage Management. Different story there.

5 Q Yes, sir. Do you own Mainstage Management, Inc.?

6 A Correct.

7 Q And what does Mainstage Management, Inc. do?

8 A They do the accounting and bookkeeping for my  
9 different businesses. They're a separate entity, separate  
10 place doing business. They do nothing but accounting and  
11 bookkeeping.

12 Q Okay. So PT's, which is Nick's Mainstage, Inc.,  
13 employs Mainstage Management, Inc. to do --

14 A They don't employ Mainstage.

15 Q I'm sorry. They --

16 A They don't employ. I didn't let you finish. I'm  
17 sorry. Mainstage does other services for other companies  
18 besides Nick's Mainstage - PT's.

19 Q And what companies does Mainstage Management, Inc.  
20 do business for?

21 MS. ANDREWS: Objection, form.

22 A Other people and companies.

23 Q That you own?

24 A It does bookkeeping and accounting.

25 Q And are they only businesses that you own?

1 A Yes, and other ones. No. Actually, mine and other  
2 businesses.

3 Q So Mainstage Management does bookkeeping and  
4 accounting for a variety of businesses, more than just  
5 businesses you own?

6 A Correct.

7 Q Thank you. How long has Nick's Mainstage employed  
8 Mainstage Management, Inc.?

9 MS. ANDREWS: Objection, form.

10 A I don't know the exact date, but there's always been  
11 a separate office that does accounting and bookkeeping for  
12 Nick's Mainstage and other businesses I'm associated with.

13 Q Understood. So PT's Men's Club, also known as  
14 Nick's Mainstage -- Nick's Mainstage, Inc., doing business as  
15 PT's Men's Club, does all of its bookkeeping and accounting  
16 through Mainstage Management, Inc.?

17 A I'm sorry. I lost you there for a second.

18 Q My apologies. I'll reask that question. PT's Men's  
19 Club does all of its bookkeeping and accounting through  
20 Mainstage Management, Inc.; is that correct?

21 A Well, yes, but we also have a CPA company that does  
22 our accounting services, our tax returns and quarterlies and  
23 everything else.

24 Q And is that hired by PT's Men's Club or Mainstage  
25 Management, Inc.?



1 A That's hired by Mainstage Management to do  
2 accounting and final say-so on all of our bookkeeping, our  
3 taxes and everything else associated with the businesses.

4 Q Understood. And does Mainstage Management, Inc.  
5 keep track of the documents, including employment records, for  
6 PT's?

7 A PT's does keep all employments in-house, employment  
8 records.

9 Q So, like, the sign-in sheets that the entertainers  
10 sign when they enter the club would be kept by PT's?

11 A Sign-in sheets when the entertainers come in, it  
12 goes in the office, who keeps all the records of the club. It  
13 goes in the office and goes to storage.

14 Q But those are managed by PT's and not Mainstage  
15 Management?

16 A Well, they're managed by PT's but end up in the  
17 Mainstage Management office.

18 Q So they can review it for different hours and fees  
19 collected?

20 A Correct.

21 Q Did you personally know Brooke Layton?

22 A Sir, I know the name. If I see her, I'm sure I know  
23 her. I don't personally know her, no. We go through a lot of  
24 different entertainers. I mean, I know managers, I know  
25 faces, but I really don't know everybody on a first name/last

1 name basis.

2 Q So you wouldn't remember any conversations you've  
3 had with Brooke?

4 A I would not remember, sir. If I tell you any  
5 different, I'd be lying to you.

6 Q And is that the same for Ashlynn Shipley?

7 A Correct.

8 Q So you wouldn't know either of their stage names,  
9 offhand?

10 A No, sir.

11 Q Understood. When you go into PT's, typically what  
12 activities do you do while you're there?

13 A I check what's going on in the club, walk the  
14 properties outside and inside, the dressing room, the kitchen,  
15 the offices, talk to managers, cooks, waitresses. Not a lot  
16 with the waitresses, but I visit with them, what's going on,  
17 what kind of day they're having, good day/bad day, any issues.  
18 That's what I do.

19 Q Gotcha.

20 A I make sure the property is in good shape, clean or  
21 not clean. That's what I do, and advise managers what I like,  
22 what I don't like, what I'm seeing that day.

23 Q Have you had to fire anyone recently?

24 A No.

25 Q When was the last time you personally fired someone?

1 A I don't remember dates, but I told my GM that a  
2 person needed to go.

3 Q What type of person was that, or what was that  
4 person employed as?

5 A One of the employees. One of the employees.

6 Q Do you remember what they were employed as?

7 A A waitress.

8 Q A waitress. And that was relatively recently? Do  
9 you remember, like, a year, two years ago?

10 A I'd say about a couple months ago.

11 Q Thank you. And your GM was Todd Williams; is that  
12 correct?

13 A Correct.

14 Q Does he fire people without your input?

15 A He can fire people with my approval. I mean, he  
16 will send them home for the shift, whatever the position might  
17 be, and then call me and say, Boss, this or that, and I say,  
18 "Yes, go ahead and let them go."

19 Q What does he typically send people home for? What  
20 are some of the things that would get people sent home?

21 A Drinking on the job, doing things they're not  
22 supposed to be doing while on duty, coming late, the same  
23 person all the time. I'm talking employees. And after one,  
24 two, three warnings, he'll send them home for the shift or  
25 send them home for good, period.

1 Q Give me one second. I'm just reviewing some  
2 documents I received from your attorney, Ms. Andrews.

3 MS. ANDREWS: I think they're for the corporate  
4 rep depo.

5 MR. KYKTA: Yeah. They look like financials.

6 Q (By Mr. Kykta) Are the entertainers the only people  
7 that you employ or that work there who are contractors, as you  
8 would call them?

9 A Yes, sir.

10 Q There's no other types of contractors who work  
11 there?

12 A I mean, contractors: AC people, electrical people,  
13 plumbers. They don't work there. They work for themselves, and  
14 come do a service for us when we need them, as we need them.

15 Q What about the house moms?

16 A They're not contractors. They're service providers  
17 for entertainers, for contractors, for dancers.

18 Q So are they employees of PT's?

19 A We don't pay them. They're not employees.

20 Q So are they independent contractors for the  
21 independent contractors that work at PT's?

22 A They don't have a contract, but they're service  
23 providers for the contractors, for the independent  
24 contractors.

25 Q But you or someone who works for PT's decides if

1 they're allowed to work there or allowed to operate inside of  
2 PT's?

3 A Yes, sir.

4 Q And do you or someone at PT's set the hours that  
5 they work?

6 A They have no set hours. They work a shift, day  
7 shift or night shift, whatever shift they need to for the  
8 entertainers. They take care of the dancers. They're there  
9 to provide service to the girls, whatever they need.

10 Q What do those services typically consist of?

11 A Whatever the dancers need. I don't know exactly.  
12 Whatever the dancers need.

13 Q Do the house moms schedule the shifts that they're  
14 going to be working ahead of time?

15 A I'm not sure, to be honest with you. There's not  
16 always -- there's always a lady that takes care of the girls.

17 Q So, presumably, they communicate amongst themselves  
18 or with the general manager?

19 A They communicate with the general manager or  
20 themselves. There's more than one. There's two, three, four  
21 different girls. Sometimes there's not one, you know, so ...

22 Q There are situations where there's not a house mom?

23 A Correct.

24 Q And how do the house moms make money?

25 A We don't pay them. Entertainers, they provide a

1 service fee for the service that's rendered to the  
2 entertainers.

3 Q And is that a set service fee?

4 A No, sir.

5 Q So it's at the entertainer's discretion?

6 A Correct.

7 Q And what other fees do the -- or let me ask this  
8 another way. Who else do the entertainers pay while they're  
9 at PT's?

10 A Well, they don't pay nobody. At PT's, they get paid  
11 from customers to provide service for table dances. It's the  
12 other way around, actually.

13 Q But they also pay the house moms for their services?

14 A They don't pay them. They give a service fee,  
15 whatever, between them and the deejays. So they provide  
16 services. It's between the entertainers and the house moms  
17 and deejays.

18 Q And is there anyone else that the entertainers pay  
19 service fees to?

20 A I'm not sure.

21 Q Bartenders, for example?

22 A I'm not sure, to be honest with you.

23 Q So, potentially, entertainers pay or give service  
24 fees to house moms, deejays, and possibly bartenders or other  
25 people on staff?

1 A I'm not sure, to be honest with you. All I know,  
2 they pay house -- I mean the shift fees. And then between the  
3 deejay and house mom, that's their business. I don't  
4 interfere with that. We don't interfere with that.

5 Q There are no written rules for house fees?

6 A No. Oh, house fees? I mean, the rules. There's  
7 fees. They pay what they want when they get there, you know,  
8 so ...

9 Q Yeah. And that's inscribed in the contract that you  
10 have with them?

11 A Correct.

12 Q And then any fees that they would give to the house  
13 moms, deejays, or anyone else are not set, they're not written  
14 down?

15 A That's between them and the deejays and house moms.

16 Q And if an entertainer leaves a shift early, is there  
17 a fee for that as well?

18 A Yes, sir.

19 Q What is that fee?

20 A I think it's 50 now. It used to be different. I  
21 don't know what it was, but I think it's 50 now.

22 Q Fifty dollars if you leave your shift early?

23 A Yes.

24 Q Are there any dress codes for the employees or the  
25 entertainers at PT's?

1 A For entertainers?

2 Q Yes.

3 A I don't think so. They look appropriate, but  
4 there's no dress code. I mean, the dress code is we're a  
5 topless bar, so ...

6 Q Have you ever sent any entertainers home for how  
7 they were dressed?

8 A I don't remember, to be honest with you.

9 Q Do you know if your general manager would have sent  
10 anyone home for how they were dressed?

11 A I'm not sure.

12 Q Do entertainers have to dress a certain way on  
13 holidays or for specific events?

14 A No, sir. We have holidays, whatever the holidays  
15 are, but they don't have to dress up a certain way, you know.

16 Q So PT's has not fired anyone for not dressing up on  
17 a holiday, or sent someone home?

18 A I don't think so.

19 Q Okay. Let's go a little bit more into your  
20 background. How long have you lived in Dallas?

21 A I've lived in Dallas -- I bought PT's August 24th.  
22 I moved to Dallas August 23rd of 1983, sir.

23 Q And where did you live before that?

24 A Chicago.

25 Q Is that where you were born?



1 A No. I was born in Albania, and grew up in Chicago.

2 Q When did you move to America?

3 A Well, I first came to America in '75, moved in '76.

4 Q And what year were you born?

5 A 1957.

6 Q What's your birthday?

7 A April 12th, '57.

8 Q So you moved here before you were 20?

9 A Seventeen.

10 Q That's very impressive. You got a business going  
11 relatively quick?

12 A Not by choice. My parents lived here. I was the  
13 last one down here.

14 Q So they left, and then you followed them afterwards?

15 A Well, yes, I did, but not by choice. My father left  
16 and came to get us. Albanian tradition: the grandfathers rule  
17 the family. So he came to get myself and my two sisters and  
18 my mom. Grandpa says, "Nope, don't go nowhere. You can take  
19 your wife and go. Make sure you come back for the kids."

20 Well, that's what happened. After wife goes,  
21 and uncles go, then the last one, then Grandpa goes,  
22 "Grandson, nobody's coming back. I guess we better join  
23 them." So, not by choice, I joined them.

24 Q I see. Did you end up enjoying the trip anyway,  
25 enjoying the fact that you came here, or would you rather have

1 stayed in Albania?

2 A I had a great time over there. I'd rather have  
3 stayed over there at the time.

4 Q All right. So you got here. You lived in Chicago.  
5 And then did you come to Texas, or was there anywhere else in  
6 between?

7 A I went to Canada for two years.

8 Q All right. Where in Canada?

9 A London, Ontario.

10 Q And what years were those two years?

11 A '77 to '79.

12 Q And where were you in '78? Back in Chicago?

13 A No. '77 to '79 I was in London.

14 Q Oh, through those two. Sorry. I thought there was  
15 a year in between. And then in '79, where did you move to?

16 A Back to Chicago.

17 Q And then after Chicago, you came to Texas?

18 A Yes, sir.

19 Q And what year was that?

20 A '83.

21 Q And then in '83 you bought the club?

22 A Yes, sir.

23 Q You bought it or -- yeah, you mentioned that  
24 earlier. You said you bought the club in '83, and it had  
25 opened in '79?

1 A Well, it opened in '76, but I didn't open it;  
2 someone else opened it.

3 Q And then you purchased it?

4 A Yes.

5 Q Were you working there before you bought it, or did  
6 you just move and buy it, because there was a day or so in  
7 between?

8 A I had never been to a strip joint in my life. I  
9 came here for three days to see a friend of mine on the way to  
10 San Diego to go to Mexico. I took some time off, actually.  
11 My partner at the time said, "Get out of here. Get out of  
12 Dodge, take some time."

13 So I came to see my friend because he talked me  
14 into coming to Dallas to see him, not to buy any business.  
15 And three days later, I was in the strip joint business.

16 Q All right. And after you bought PT's, was the next  
17 club you bought Lipstick's, or were there any in between?

18 A No. There was two in between.

19 Q What were those clubs called?

20 A Arcadia Bar & Grill. I bought that in 1985 --  
21 opened it in 1985. In '89 I bought Nick's Bar & Grill in The  
22 Colony, and in 1990 was Lipstick's.

23 Q And what happened to Arcadia? Is that still open?

24 A I sold it the day I bought Nick's in The Colony. I  
25 took it back two years later, and built it back up and gave it

1 to my GM.

2 Q Who is your GM that you gave it to?

3 A Tom O'Leary.

4 Q So not Todd Williams?

5 A No.

6 Q That's an earlier GM. Understood. And you still  
7 have Nick's in The Colony?

8 A Yes, sir.

9 Q Do you have any other strip clubs?

10 A I had them, but not no more.

11 Q So now you own three; is that correct?

12 A Two.

13 Q Two. Oh, so Nick's in The Colony, is that not a  
14 strip club?

15 A No. The only strip club is Lipstick's and PT's.

16 Q Understood. Nick's is just a bar and restaurant?

17 A Bar and grill/restaurant.

18 Q And do you have any other businesses?

19 A Yes.

20 Q What are those?

21 A Restaurants.

22 Q Are they in Texas?

23 A They're in the metroplex, Oklahoma.

24 Q So all in the general Dallas-Fort Worth area, and  
25 then in Oklahoma?

1 A Correct, sir.

2 Q Where are they in Oklahoma, and how many are in  
3 Oklahoma?

4 MS. ANDREWS: Objection, form.

5 A Well, I had the Sports City Cafe in Durant,  
6 Oklahoma, right next to Choctaw Casino, if you've been there.  
7 Four years ago, the State took it from me for eminent domain.  
8 They're redoing the highway there next to the casino because  
9 the casino has so much growth. And since then, I bought  
10 another restaurant there in Durant.

11 Q Is it also by the casino?

12 A No, it's not. The original was right next to the  
13 casino, actually, but the other is not. It's in downtown  
14 Durant.

15 Q Understood. Let's go back to PT's. Do you own the  
16 property that PT's is located on?

17 A The corporation owns it. I don't personally own it.

18 Q Which corporation owns it?

19 A Nick's Properties, Dallas. I don't even know, I've  
20 got so many different corporations, to be honest with you. We  
21 change the names, so I don't know which. If I tell you  
22 something, I don't mean to lie, but it might not be correct,  
23 so ...

24 Q I understand. But it's a company that you own?

25 A Correct.

1 Q How long have you owned the property -- or how long  
2 has your company owned the property that PT's is on? Was it  
3 when you bought the club?

4 A Well, I bought the club, PT's, originally in 1983.  
5 I didn't own the property. The new location, we opened in  
6 2004. We bought the land in '97, Christmas of '97, and built  
7 it in 2003, and opened in 2004.

8 Q Was the land vacant until you had the club built?

9 A Yes. It was a field.

10 Q Do you mind if we take a quick five-minute break?

11 A Sure.

12 MS. ANDREWS: Sure.

13 (Recess Taken)

14 Q (By Mr. Kykta) Mr. Mehmeti, I just want to go over a  
15 few final questions. When was the last time that you  
16 personally hired someone to work at PT's?

17 A I put cooks in the kitchen.

18 Q Is that this year?

19 A Yeah.

20 Q And the last person you fired was a waitress?

21 A A waitress. I mean, I didn't fire her. I told the  
22 manager to fire her. I didn't walk up to her and say, "You're  
23 fired," you know.

24 Q Yeah. The power to hire and fire rests with you?

25 A Right.

1 Q And you control the schedules? Sorry. You have the  
2 potential to control the schedules of your employees, but you  
3 kind of hand that off to Todd Williams, your general manager?

4 A Sir, I don't control the schedules. The managers  
5 make the schedules, you know.

6 Q But you set --

7 A I make Todd's schedule, and he makes whatever  
8 schedule him and the managers work out.

9 Q Understood. You're on top of Todd, and then Todd  
10 handles everyone --

11 A I tell them how many days they need to work, and  
12 they work how many shifts to get it covered.

13 Q Okay. And you set how much Todd gets paid, and Todd  
14 sets how much everyone else gets paid, or do you decide the  
15 salaries for everybody?

16 A I decide the salaries for everybody.

17 Q And then who at PT's maintains the employment  
18 records?

19 A The employment records, all applications, records  
20 when they get hired, they're in the club. And then from the  
21 club, go to the office to make sure they get paid, so people  
22 get paid when payroll is due.

23 Q And the office is Mainstage Management, Inc.?

24 A Correct.

25 MR. KYKTA: I think that's all I had for the

1 individual deposition. I'll pass the witness, Latrice.

2 MS. ANDREWS: I just have a couple quick  
3 questions.

4 EXAMINATION

5 BY MS. ANDREWS:

6 Q The house mom is not an employee, correct?

7 A Correct.

8 Q The club does not require any tip outs or any  
9 payments to any other person by the entertainers?

10 A Correct.

11 Q And with regard to Mainstage Management, Inc., are  
12 they involved in the hiring or firing of any of the dancers?

13 A No, ma'am, they don't hire anybody in the club.  
14 They got no say-so in the club, except they do the accounting  
15 and bookkeeping.

16 Q So other than the fact that you have a common  
17 ownership, is there anything else that Mainstage Management  
18 does in the operations of the club?

19 MR. KYKTA: Objection, form.

20 A They don't do anything else besides accounting,  
21 bookkeeping, payroll checks, services, pay the bills. They  
22 have no say-so in management of the club or who works there  
23 and don't work there.

24 Q Are the employment records maintained by the club?

25 A The employment records for employees, after they get



1 hired, they go in the Mainstage Management office. We have  
2 employees come and go all the time. We deal with a thousand  
3 employees at one time, so they get moved to the office, to the  
4 storage.

5 Q And the storage facility, that's PT's storage?

6 A No, it's all the restaurants and clubs and all my  
7 businesses. I have storage for everybody.

8 Q And the records that are kept by or that are held in  
9 the warehouse, in storage, to the extent they're property of  
10 the club, the club maintains those records?

11 A Correct.

12 Q And the club is the one that goes and retrieves its  
13 own files from that storage, correct?

14 A When they need it, yes.

15 Q And the club sets up how it's organized and indexed,  
16 correct?

17 A Correct.

18 Q And Mainstage Management is solely doing the  
19 accounting for the club, correct?

20 A Correct.

21 Q Do they have any say-so in the rules or policies of  
22 the club?

23 A No, ma'am.

24 MS. ANDREWS: I pass the witness.

25 MR. KYKTA: Let me follow up.

FURTHER EXAMINATION

BY MR. KYKTA:

Q So the storage facility is owned by Mainstage Management, Inc.?

A No. The storage facility is owned by the club, PT's. It's all in the corporation we added when we bought this building, and it just stayed like that. But now I think it's Nick's Properties, Inc. - Dallas.

Q Okay. Nick's Properties owns the building, and then it has operations for PT's running out of it, as well as Mainstage Management, Inc.?

A Mainstage Management, Inc. operates in there. That's where the office is, and they do the accounting and bookkeeping for all my businesses.

Q Understood. And one other question. Did you create the rules and policies for PT's?

A That would be me -- myself, Todd, and one of my attorneys.

MR. KYKTA: All right. I think that wraps up this individual deposition for Nick Mehmeti.

THE WITNESS: Thank you.

COURT REPORTER: Ms. Andrews, do you need a copy of this deposition?

MS. ANDREWS: For purposes of read and sign, yes. Yeah, we'll take a copy of this deposition, as well as

1 the corporate rep subsequent to.

2 COURT REPORTER: A copy other than read and  
3 sign?

4 MS. ANDREWS: Yes, we'll need one.

5 (Deposition Adjourned)

NICK MEHMETI

July 07, 2022

LAYTON V. MAINSTAGE MANAGEMENT

34

CHANGES AND SIGNATURE

WITNESS NAME:

DATE OF DEPOSITION:

NICK MEHMETI

JULY 7, 2022

PAGE

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NICK MEHMETI

July 07, 2022

LAYTON V. MAINSTAGE MANAGEMENT

35

1 I, NICK MEHMETI, have read the foregoing deposition  
2 and hereby affix my signature that same is true and correct,  
3 except as noted above.

4 \_\_\_\_\_  
5 NICK MEHMETI

6 THE STATE OF TEXAS

7 COUNTY OF \_\_\_\_\_

8  
9 Before me, \_\_\_\_\_, on this day  
10 personally appeared NICK MEHMETI, known to me (or proved to  
11 me under oath or through \_\_\_\_\_) (description of  
12 identity card or other document) to be the person whose name  
13 is subscribed to the foregoing instrument and acknowledge to  
14 me that they executed the same for the purposes and  
15 consideration therein expressed.

16  
17 Given under my hand and seal of office this  
18 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

19  
20 \_\_\_\_\_  
21 Notary Public, State of Texas

22 \_\_\_\_\_  
23 My Commission Expires

24  
25

NICK MEHMETI  
LAYTON V. MAINSTAGE MANAGEMENT

July 07, 2022

36

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BROOKE LAYTON, Individually )  
and on behalf of all other )  
similarly situated, )  
Plaintiff, )  
VS. ) CA NO. 3:21-cv-01636-N  
MAINSTAGE MANAGEMENT, INC., ) COLLECTIVE ACTION  
NICK'S MAINSTAGE, INC. - ) JURY DEMANDED  
DALLAS PT'S d/b/a PT'S )  
MEN'S CLUB and NICK MEHMETI, )  
Defendants. )

REPORTER'S CERTIFICATION  
DEPOSITION OF NICK MEHMETI  
JULY 7, 2022  
(Reported Remotely)

I, KELLY CHANDLER, Certified Shorthand Reporter  
in and for the State of Texas, hereby certify to the  
following:

That the witness, NICK MEHMETI, was duly sworn by  
the officer and that the transcript of the oral deposition is  
a true record of the testimony given by the witness;

I further certify that pursuant to FRCP Rule  
30(f)(1) the signature of the deponent:

    X     was requested by the deponent or a party  
before the completion of the deposition and returned within 30  
days from date of receipt of the transcript. If returned, the  
attached Changes and Signature Page contains any changes and  
the reasons therefor;

           was not requested by the deponent or a party

NICK MEHMETI

July 07, 2022

LAYTON V. MAINSTAGE MANAGEMENT

37

1 before the completion of the deposition.

2 I further certify that I am neither counsel for,  
3 related to, nor employed by any of the parties or attorneys in  
4 the action in which this proceeding was taken, and further  
5 that I am not financially or otherwise interested in the  
6 outcome of this action.

7  
8  
9 Certified to by me this \_\_\_\_ day of \_\_\_\_\_,  
10 2022.

11  
12 

13 KELLY CHANDLER, CSR, RPR, CRR, CRC  
14 Texas CSR 3793  
15 Expiration Date: 04/30/2023  
16 Script Deposition Services, LLC  
17 Firm Registration No. 11972  
18 904 S. Paris  
19 Ennis, Texas 75119  
20 903.470.0098  
21  
22  
23  
24  
25

**In the Matter of:**

 vs

*Nick's Management, Inc.*

---

*Nick Mehmeti*

*March 09, 2022*

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1 AMERICAN ARBITRATION ASSOCIATION  
2  
3 ----- x  
4 JULIA PREDMORE,  
5 Claimant,  
6 v.  
7 AAA Case  
8 No. 01-21-0002-3409  
9 NICK'S MANAGEMENT, INC.,  
10 NICK'S CLUBS, INC.,  
11 f/k/a ADVENTURE PLUS  
12 ENTERPRISES, INC.,  
13 d/b/a/ PT'S MEN'S CLUB,  
14 and NICK MEHMETI,  
15 Respondents.  
16 ----- x  
17  
18 VIDEOCONFERENCE DEPOSITION OF NICK MEHMETI  
19 Conducted Remotely  
20 1701 North Collins Boulevard  
21 Suite 1100  
22 Richardson, Texas  
23 March 9, 2022  
24 11:00 a.m.

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Page 2

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18  
19  
20  
21  
22  
23  
24

Page 4

1 PROCEEDINGS  
2 THE STENOGRAPHER: This is Julie  
3 Mercier. I'm a Registered Professional  
4 Reporter, and I'm a Notary Public in the  
5 Commonwealth of Massachusetts.  
6 This deposition is being taken  
7 remotely. This witness is appearing remotely  
8 from 1701 North Collins Boulevard, Richardson,  
9 Texas.  
10 The attorneys participating in this  
11 proceeding acknowledge their understanding that  
12 I am not physically present in the proceeding  
13 room, nor am I physically present with the  
14 witness and that I will be reporting this  
15 proceeding remotely. They further acknowledge  
16 that, in lieu of an oath administered in person,  
17 the witness will verbally declare his testimony  
18 in this matter under the pains and penalties of  
19 perjury. The parties and their counsel consent  
20 to this arrangement and waive any objections to  
21 this manner of proceeding.  
22 Please indicate your agreement by  
23 stating your name and your agreement on the  
24 record, after which I will swear in the witness

Page 5

1 and we may begin.  
2 MR. THOMSON: Attorney Matthew Thomson  
3 for the Claimant, and we agree.  
4 MS. ANDREWS: Attorney Latrice Andrews  
5 for the Respondents, and we agree.  
6 THE WITNESS: Nick Mehmeti.  
7  
8 NICK MEHMETI,  
9  
10 a witness called for examination by counsel for  
11 the Claimant, being satisfactorily identified by  
12 the production of his driver's license, being  
13 first duly sworn, was examined and testified as  
14 follows:  
15  
16 DIRECT EXAMINATION  
17 BY MR. THOMSON:  
18 MR. THOMSON: Thank you, everyone.  
19 Thank you for being here today.  
20 Q. Good morning, Mr. Mehmeti. My name is  
21 Matt Thomson. I represent Julia Predmore in this  
22 arbitration proceeding.  
23 My first question to you, Mr. Mehmeti,  
24 is, have you ever been deposed before?

Page 6

1 A. Yes, sir.  
2 Q. Okay. Just a quick refresher of how  
3 things will go today. Obviously I will be asking  
4 you questions. I hope that you'll be answering  
5 the questions, and we'll both do our best not to  
6 speak over each other because the court reporter  
7 is making a transcript obviously of what we say.  
8 Does that sound good?  
9 A. Yes, sir.  
10 Q. In addition, if you can't hear any of  
11 my questions or if my question just doesn't make  
12 sense, please ask me to repeat it or rephrase it,  
13 and I'm happy to do that at any time. Is that all  
14 right?  
15 A. Yes, sir.  
16 Q. And then if at any point today you'd  
17 like to take a break to get a glass of water, do  
18 whatever else, please let me know and we're happy  
19 to do that at any time. Is that all right?  
20 A. Yes, sir.  
21 Q. Okay. You mentioned, Mr. Mehmeti, that  
22 you have been deposed before. Do you recall the  
23 name of the proceeding that you were deposed in?  
24 A. I don't remember, sir.

Page 7

1 Q. Approximately when was it that you last  
2 had your deposition taken?  
3 A. About three, four years ago.  
4 Q. Okay. Do you remember the subject  
5 matter of that case?  
6 A. It was a lease pertaining to one of my  
7 other businesses.  
8 Q. Okay. Is that the only other time  
9 you've ever had your deposition taken?  
10 A. I think I've taken deposition a couple  
11 other times before in the past.  
12 Q. Have you ever had your deposition taken  
13 in a case in which an entertainer or an exotic  
14 dancer has filed a lawsuit against the club?  
15 A. I'm not sure, sir. I know this one  
16 will be the first one exotic dancer, but I'm not  
17 sure about the other one.  
18 Q. Okay. And I take it, Mr. Mehmeti, that  
19 you're affiliated with PT's Men's Club of Dallas;  
20 is that correct?  
21 A. Yes, sir.  
22 Q. And what is your title or position with  
23 the club?  
24 A. President.

Page 8

1 Q. Okay. Do you also have any ownership  
2 interest in the club?  
3 A. Yes, sir.  
4 Q. And are you the sole owner or are there  
5 other owners?  
6 A. I'm the sole owner.  
7 Q. And for how long have you been the sole  
8 owner of PT's?  
9 A. Since 1983.  
10 Q. And I take it you're the only president  
11 of the club; is that right?  
12 A. Yes. Correct.  
13 Q. Is there anyone else who holds other  
14 positions such as vice president or treasurer?  
15 A. No, sir.  
16 Q. In your role as president of the club,  
17 can you describe to me what your duties are, how  
18 involved you are in the day-to-day activities of  
19 the club?  
20 MS. ANDREWS: Objection, form.  
21 A. I'm really not involved in day-to-day  
22 activities.  
23 Q. And the club has, I take it, a specific  
24 location that it operates at, correct?

Page 9

1 A. Yes, sir.  
2 **Q. What is the address of that location?**  
3 A. 10601 Plano Road, Dallas, Texas.  
4 **Q. And how often would you say per week --**  
5 **how many days per week do you visit that location?**  
6 A. And/or two, three times. Two, three,  
7 four times a week.  
8 **Q. Do you have any type of office or other**  
9 **place where you work when you go to that location?**  
10 A. Yes.  
11 **Q. About how many hours per week do you**  
12 **spend at the club location?**  
13 A. I'd say about ten hours a week, give or  
14 take.  
15 **Q. And the case that we're here for today**  
16 **related to Ms. Predmore, I understand she was**  
17 **affiliated with the club back in 2019; does that**  
18 **sound correct to you?**  
19 A. I don't remember dates, but she  
20 definitely was affiliated with the club, yes.  
21 **Q. Focusing our attention to 2019, was**  
22 **your schedule in terms of how many hours you were**  
23 **at the club and how many days per week, was it**  
24 **similar in 2019 as you just described a moment**

Page 10

1 **ago?**  
2 A. Sir, I don't have a schedule. I go  
3 when I need to go, and leave when I need to leave.  
4 **Q. So in 2019, were you going about the**  
5 **same frequency as you're going now or were you --**  
6 A. I'd say, yes. Yes.  
7 **Q. About the same?**  
8 A. Yes. Sorry.  
9 **Q. Okay. Speaking currently, who is it**  
10 **that would be in charge of the day-to-day**  
11 **operations of the club?**  
12 A. The general manager.  
13 **Q. General manager?**  
14 A. Yes, sir.  
15 **Q. And what is the general manager's name?**  
16 A. Todd Williams.  
17 **Q. And was Mr. Williams also the general**  
18 **manager in 2019?**  
19 A. Yes, sir.  
20 **Q. Is Mr. Williams an employee of the**  
21 **club, a W-2 employee?**  
22 A. Yes, sir.  
23 **Q. Is he paid a salary or by the hour?**  
24 A. He gets paid salary.

Page 11

1 **Q. Does the club have any other salary**  
2 **employees other than Mr. Williams?**  
3 A. The management. Management team.  
4 **Q. And speaking only of titles, just so I**  
5 **don't get myself confused, can you explain to me**  
6 **who, title wise, is on the management team?**  
7 A. Well, there's six, seven -- six, seven  
8 other managers on the management team and also  
9 kitchen manager.  
10 **Q. Okay. Understood. And those**  
11 **individuals are all salary employees of the club?**  
12 A. All the management are salary, yes.  
13 **Q. And does the club have any hourly**  
14 **employees?**  
15 A. Yes, sir.  
16 **Q. And what type of positions does the**  
17 **club employ people as hourly employees?**  
18 A. Waitresses, bartenders, cooks, doormen,  
19 DJ, dishwasher, busboy, bar backs, security.  
20 **Q. Approximately how many hourly employees**  
21 **of the club are there currently?**  
22 A. It varies from about 75 to 85 in a  
23 given pay period.  
24 **Q. Was that true in 2019 also?**

Page 12

1 A. About the same, give or take.  
2 **Q. Mr. Mehmeti, I take it there are**  
3 **customers of the club also; is that fair to say?**  
4 A. Yes, sir.  
5 **Q. Speaking just physically, is there a**  
6 **particular one single entrance where the customers**  
7 **would come into the club?**  
8 A. Correct.  
9 **Q. And as the customers enter the club, is**  
10 **there any type of signage explaining to them any**  
11 **cover charge or anything like that?**  
12 A. There's a sign that explains the dress  
13 code, and, I guess, that's about it really.  
14 **Q. Okay. And do these customers -- are**  
15 **these customers charged any cover charge?**  
16 A. Yes, sir.  
17 **Q. And how much is the cover charge?**  
18 A. It varies from time of the day.  
19 **Q. What's the maximum amount of the cover**  
20 **charge?**  
21 A. \$20.  
22 **Q. And I take it it may be less if the**  
23 **person is coming in in the afternoon; is that fair**  
24 **to say?**

Page 13

1 A. Correct.  
2 **Q. And who is it that determines the cover**  
3 **charge?**  
4 A. I guess it'd be me and the general  
5 manager.  
6 **Q. And, Mr. Mehmeti, I take it there are**  
7 **also exotic dancers or entertainers who are**  
8 **present at the club most days; is that correct?**  
9 A. Correct.  
10 **Q. Do you prefer to refer to them as**  
11 **"entertainers" or "dancers"? Is there a term that**  
12 **you prefer?**  
13 A. Entertainers.  
14 **Q. Entertainers, okay.**  
15 A. Contract entertainers.  
16 **Q. Is there ever a time when the club is**  
17 **open and there are not entertainers at the club?**  
18 A. There's times we open and there might  
19 not be entertainers.  
20 **Q. How often does that happen?**  
21 A. Sometimes early morning. Well, not  
22 early morning. When we open up and sometimes  
23 later on in the evening.  
24 **Q. What are the hours of operation of the**

Page 14

1 **club?**  
2 A. 11:00 a.m. until 2:00 a.m. -- 11:00  
3 a.m., Monday through Saturday; Sunday, 12:00 noon.  
4 And evening, Monday, Tuesday and Wednesday, we  
5 close at 2:00 a.m.; Thursday, Friday, Saturday,  
6 Sunday, 4:00 a.m.  
7 **Q. Okay. And is it fair to say,**  
8 **Mr. Mehmeti, that many of the customers who enter**  
9 **the club are there for adult entertainment?**  
10 MS. ANDREWS: Objection, form.  
11 A. Not necessarily.  
12 **Q. Why else may the customers be going to**  
13 **the club?**  
14 MS. ANDREWS: Objection, form.  
15 A. We got great food. Our kitchen is open  
16 from actually 8:00 o'clock in the morning. Get  
17 ready from 11:00 o'clock to 4:00 a.m. So we do a  
18 great lunch buffet. People come eat actually for  
19 lunch.  
20 **Q. Understood. And are there some**  
21 **customers who come in and then pay for a**  
22 **performance by the entertainers?**  
23 A. Yes, sir.  
24 **Q. And how would a customer pay for a**

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1 **performance from a entertainer?**  
2 A. We don't control how he pays, sir, so  
3 he choose to pay how he choose to pay for  
4 entertainment.  
5 **Q. Understood. So is there a certain**  
6 **price that a customer would pay in order to get a**  
7 **performance from a entertainer?**  
8 A. We don't control it. By standard --  
9 industry standard, it's \$20 for a lap dance.  
10 Industry standard lap dance is \$20, but they could  
11 charge more or less.  
12 **Q. So your testimony is that dancer would**  
13 **charge more or less than the \$20 for a lap dance?**  
14 A. They can, yes.  
15 **Q. Are there any -- other than a lap**  
16 **dance, are there any other types of performances**  
17 **that a customer may purchase?**  
18 A. A customer could -- no. I mean they  
19 could tip them on stage, when they're on stage.  
20 **Q. Are there any type of private boxes or**  
21 **private rooms where a customer in there pays for a**  
22 **performance?**  
23 A. We have rooms, but they're not private  
24 rooms. I have no private rooms.

Page 16

1 **Q. Okay. But are there some customers who**  
2 **may pay an amount to go into one of these rooms**  
3 **for a performance?**  
4 A. Yes.  
5 **Q. And is there a standard price that a**  
6 **customer would pay to go into one of those rooms?**  
7 A. \$20 fee to get in the club or depends  
8 when he come in. And then they could go to  
9 different rooms. Get a lap dance on the main  
10 floor or different called VIP area, so get a lap  
11 dance where they want to or sit wherever they want  
12 to.  
13 **Q. I see. So is there a section of the**  
14 **club that's designated as a "VIP area"?**  
15 A. Correct.  
16 **Q. Okay. And does a customer have to pay**  
17 **more to be in that VIP area?**  
18 A. They could buy what we call the dance  
19 bands, like, \$10 of dances in VIP area, but it's  
20 open to whoever wants to go in there. It's not,  
21 like, a private room.  
22 **Q. Okay.**  
23 A. It's a little nicer room.  
24 **Q. And when the customers may be paying**

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1 **\$20 for a lap dance, do they hand the money to an**  
2 **employee of the club or to the dancer? How do**  
3 **they do that?**

4 A. We have no say so. That's between the  
5 dancer and the customer.

6 **Q. Okay. And if a customer is to purchase**  
7 **one of those VIP bands for \$10, would they hand**  
8 **money over to an employee of the club or to a**  
9 **dancer?**

10 A. The band they can buy at the bar or the  
11 manager or waitress or floor men.

12 **Q. And do most of the customers who would**  
13 **pay \$20 for a lap dance, do most of them use cash?**

14 MS. ANDREWS: Objection, form.

15 A. I don't know, but I wouldn't say -- I'd  
16 say, yes, but I'm not sure actually.

17 **Q. Is there a way for a customer to use a**  
18 **credit card to pay for -- to pay that \$20 for a**  
19 **lap dance?**

20 A. Yes, sir.

21 **Q. How would they do that?**

22 A. They buy, we call them funny money,  
23 play money. Then they tip whoever they want to  
24 tip, tip the waitress, tip the bartender or buy

Page 18

1 lap dances.

2 **Q. How would the customer get the funny**  
3 **money or play money?**

4 A. Goes to the waitress or bartender.

5 **Q. And could they then -- just so I**  
6 **understand it, would the customer be using a**  
7 **credit card and saying, for instance, "I want \$200**  
8 **of funny money" and then the credit card gets**  
9 **charged?**

10 MS. ANDREWS: Objection, form.

11 A. Correct.

12 **Q. Is the credit card charge equal in**  
13 **dollar value to the play money or is there some**  
14 **transaction fee?**

15 A. There's a transaction fee.

16 **Q. And what is that transaction fee to the**  
17 **customer?**

18 A. Ten percent.

19 **Q. Okay. If a waitress or an entertainer**  
20 **has received some of the funny money from a**  
21 **customer, how do they then turn that back into**  
22 **cash?**

23 A. They cash it into the club.

24 **Q. And is there any transaction fee or**

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1 **discount to the waitress or entertainer?**

2 A. There's a handling fee of ten percent.

3 **Q. The lap dances that we described, do**  
4 **they last for a single song or is there some other**  
5 **measure of time for a lap dance?**

6 A. The rule of thumb is a lap dance is one  
7 song, but, again, that's between the dancer and  
8 the customer. Could be two songs, three songs,  
9 but the rule of thumb is one song.

10 **Q. Now, a moment ago you mentioned a stage**  
11 **at the club. I take it, physically speaking,**  
12 **there's some type of stage; is that right?**

13 A. Correct.

14 **Q. Is the stage in the center of the club**  
15 **or is it off to one side or in the back?**

16 A. We've got six stages throughout the  
17 club, sir.

18 **Q. Okay. And I imagine each stage has**  
19 **some lighting above it; is that accurate?**

20 A. Yes, sir.

21 **Q. Does each stage have sort of the**  
22 **traditional stripper pole on it as well?**

23 A. We only got two of them, two stages  
24 that's got stripper poles.

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1 **Q. Okay. And a moment or a few minutes**  
2 **ago I think you described a bar inside the club.**  
3 **Does the club sell alcohol?**

4 A. No. We call them bar because there's a  
5 bar, but we don't sell alcohol, sir, no.

6 **Q. Okay. Is it a BYOB establishment?**

7 A. Correct.

8 **Q. Does the club charge any type of fee if**  
9 **someone were to bring in a bottle of wine or**  
10 **something like that?**

11 A. We don't charge fee, sir. Just bring  
12 liquor, beer and wine. We sell set-ups.

13 **Q. What is that "set-up"?**

14 A. Coke, water, 7Up, Red Bull,  
15 non-alcoholic beer, if they want to choose to do,  
16 food, ice.

17 **Q. Got it. If a customer was bringing in**  
18 **a bottle or two of liquor, how much would they pay**  
19 **for a set-up of those things you described?**

20 A. They don't pay nothing, just if they  
21 want to buy a Coke, they buy a Coke or they buy  
22 three Cokes and a bottle of water. We don't  
23 charge them set-up. Bring liquor, beer or wine.

24 **Q. Okay. Is there a corking fee if**



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- 1 someone brings wine or champagne?  
2 A. No, sir, we don't.  
3 **Q. Do you have any idea of the square**  
4 **footage of the club?**  
5 A. The club is the whole building. It's  
6 50,000 square feet, but we don't use but 7,000 or  
7 7,500 feet. That's including the club, dressing  
8 rooms, bathrooms, kitchen, offices.  
9 **Q. Has PT's Men's Club always operated at**  
10 **this location?**  
11 A. No, sir.  
12 **Q. How long has it been at this location?**  
13 A. Eighteen years.  
14 **Q. And does the club lease or rent this**  
15 **property or does it own the property?**  
16 MS. ANDREWS: Objection, form.  
17 A. Different corporation owns the  
18 property.  
19 **Q. What corporation is that?**  
20 A. Adventure Plus Enterprises.  
21 **Q. Do you have any position with Adventure**  
22 **Plus Enterprises?**  
23 A. I'm the president.  
24 **Q. Are you also an owner or shareholder of**

Page 22

- 1 that entity?  
2 A. I'm a shareholder.  
3 **Q. Does the club also have DJ equipment**  
4 **and sound equipment?**  
5 A. Yes, sir.  
6 **Q. And was that equipment purchased by the**  
7 **club?**  
8 A. Yes, sir.  
9 **Q. And after hours is there any type of**  
10 **cleaning crew that comes in to tidy up the club**  
11 **when the customers have left?**  
12 A. Yes, sir.  
13 **Q. And does the club pay for that cleaning**  
14 **crew?**  
15 A. They're employees of the club.  
16 **Q. Okay.**  
17 A. Their job is come and clean before the  
18 club opens.  
19 **Q. Got it. If there's any necessary**  
20 **maintenance on the club, such as plumbing or**  
21 **electrical work, the club would pay for that?**  
22 A. Yes, sir.  
23 **Q. Does the club have a website?**  
24 A. I think we do, yes.

Page 23

- 1 **Q. Is there any particular employee of the**  
2 **club who's responsible for the website?**  
3 A. Yes.  
4 **Q. Who is that?**  
5 A. Another manager. That's his job is for  
6 the website.  
7 **Q. And what's his name?**  
8 A. Ambrose Martinez. He works for other  
9 people, but he does ours, too.  
10 **Q. Okay. Is the club on Facebook or**  
11 **Instagram?**  
12 A. Sir, I'm a flip phone type of guy, so  
13 if you can tell, that's why I ask Monterez, I  
14 said, "What do I do here? Because if you leave  
15 the room," you guys might not be able to hear me.  
16 I'm definitely an old timer. I have not changed  
17 with times, let's put it this way.  
18 **Q. Understood. Well, we'll reserve that**  
19 **question for one of the other managers at some**  
20 **point. Thank you.**  
21 **Putting aside anything on the internet,**  
22 **does the club do any type of advertising?**  
23 A. Not really. We used to do radio,  
24 advertise billboard, but not no more we don't.

Page 24

- 1 **Q. About when did you stop doing the radio**  
2 **and billboard ads?**  
3 A. At least about seven, eight years ago.  
4 **Q. And why is it that you stopped?**  
5 A. It didn't work. It was not worth the  
6 money, let's put it this way.  
7 **Q. Got it. I understood from your**  
8 **testimony earlier there's someone who's employed**  
9 **as the kitchen manager; is that right?**  
10 A. Yes, sir.  
11 **Q. And does he or she have**  
12 **responsibilities to hire the kitchen crew?**  
13 A. He's responsible for hiring the kitchen  
14 crew, that's it.  
15 **Q. Okay. And would the kitchen manager**  
16 **also be responsible for choosing the menu and**  
17 **deciding what food is going to be put out?**  
18 A. That would be between the GM and him  
19 and me.  
20 **Q. Mr. Mehmeti, have you ever been**  
21 **involved in the process by which a new entertainer**  
22 **begins work at the club?**  
23 A. I'd say about 20 years ago.  
24 **Q. Okay. Currently is there any type of**

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1 application that entertainers must fill out before  
2 they begin their affiliation with the club?

3 MS. ANDREWS: Objection, form.

4 A. There's a License Agreement they have  
5 to fill out and sign before they come in.

6 Q. Is there any type of audition that's  
7 required before they begin?

8 A. I'm not sure.

9 Q. Are there any type of requirements that  
10 someone must be in order to be an entertainer?

11 MS. ANDREWS: Objection, form.

12 A. Sort of, yes.

13 Q. And what types of requirements?

14 A. Well, they got to be old enough --

15 Q. Sure.

16 A. -- to be a dancer. They have to have a  
17 -- we do a background check on all management,  
18 entertainers. Fingerprints and all through the  
19 State of Texas.

20 Q. Other than the age requirement and  
21 background check and fingerprints, are there any  
22 other requirements that the club would require  
23 before someone began work as an entertainer?

24 MS. ANDREWS: Objection, form.

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1 Q. Got it. So there may be a time --

2 A. Can you guys see me because the lights  
3 went out in the office?

4 Q. We can still see you. It does look  
5 darker though.

6 A. I guess we got the energy savings,  
7 so...

8 MS. ANDREWS: You have to move to make  
9 it come on.

10 Q. I thought maybe Latrice's office hadn't  
11 paid their electric bill, but it seems like it's  
12 still working.

13 A. She just wants to hide me.

14 Q. I take it from your prior answer then  
15 there may be a time when given the number of  
16 dancers, there are only three stages that are  
17 being used at a given time; is that fair to say?

18 A. It could be one stage or it could be no  
19 stage at any given time, so...

20 Q. And does every entertainer who's there  
21 during a shift get up on the stage at some point?

22 A. Yes, sir, if they want to. They don't  
23 ever have to.

24 Q. So there are some entertainers who

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1 A. Well, they got -- we try to make sure  
2 they're representable.

3 Q. In other words, the club I assume is  
4 concerned that the person is attractive or good  
5 looking; is that fair to say?

6 MS. ANDREWS: Objection, form.

7 A. I would like to be attractive, they're  
8 entertainers, but not necessarily.

9 Q. Does the club require that the  
10 entertainers have any previous experience?

11 A. No, sir.

12 Q. Mr. Mehmeti, you mentioned there are  
13 stages at the club, correct?

14 A. Correct.

15 Q. How is it determined which stage the  
16 entertainers will be on, which entertainers will  
17 be on the stage?

18 A. We have an entertainers list. Like I  
19 said, we got six stages and it depends how many  
20 entertainers or contractors are in the building,  
21 that's how many stage we got going, but it's not  
22 any set the way of six stages all filled up  
23 because it depends how many entertainers are in  
24 the building at the time.

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1 don't go up on the stage?

2 A. Some choose not to go, correct.

3 Q. And that's the choice of the dancers is  
4 your testimony?

5 A. Correct.

6 Q. And those who don't go up on stage, do  
7 they have to pay any additional type of fee or  
8 anything like that?

9 A. I'm not sure about that, sir.

10 Q. Ms. Predmore, my client, as we talked  
11 about, was an entertainer who was affiliated with  
12 the club in 2019. Does the club have any record  
13 of the amounts that she received from customers  
14 for her work at the club?

15 A. Sir, we don't keep track of that. We  
16 don't keep track how much everybody makes.

17 Q. Okay. And I understand then the club  
18 wouldn't keep track of the amount that an  
19 individual gets or made. Does the club keep track  
20 of the total amount collected by dancers during a  
21 particular shift?

22 A. No, sir.

23 Q. So there's no record of how much money  
24 is generated by the entertainers on a given day?

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1 A. No, sir.  
2 **Q. So those amounts aren't reported in any**  
3 **type of tax form or filing of the club?**  
4 A. We don't because it's -- we don't get  
5 the money.  
6 **Q. I understand. Mr. Mehmeti, I think you**  
7 **mentioned earlier, the entertainers are treated as**  
8 **contractors; is that right?**  
9 A. Correct, they are contractors.  
10 **Q. Has the club ever hired an entertainer**  
11 **as a W-2 employee?**  
12 A. We give them a check. Yes, we have  
13 hired W-2 employees.  
14 **Q. Are there any entertainers currently**  
15 **working for the club as W-2 employees?**  
16 MS. ANDREWS: Objection, form and  
17 relevance.  
18 A. No, sir.  
19 **Q. When was it that the club last hired an**  
20 **entertainer as a W-2?**  
21 A. We give them a choice when they come  
22 in, sign the License Agreement, "Do you want to be  
23 a contractor or employee," so they get to choose.  
24 **Q. And when was it that the club last**

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1 **employed an entertainer as a W-2 employee?**  
2 A. I'd say at least about 25 years ago.  
3 **Q. Did you say four or five years ago?**  
4 A. Twenty-five years ago.  
5 **Q. Twenty-five. Sorry.**  
6 MR. THOMSON: I'm going to take a  
7 short break and get a glass of water and get  
8 organized. Maybe we can come back in five  
9 minutes, roughly at 10:45 Central Time.  
10 MS. ANDREWS: Yes. That works.  
11 MR. THOMSON: Thank you.  
12 (Recess taken.)  
13 BY MR. THOMSON:  
14 **Q. I have a few more questions for you,**  
15 **Mr. Mehmeti. Earlier I think you mentioned that**  
16 **one of the positions at the club is a DJ; is that**  
17 **right?**  
18 A. Yes, sir.  
19 **Q. What are the job duties of a DJ?**  
20 A. He is one that introduces the  
21 entertainers on stage, keep track of the list of  
22 entertainers who's on, ready to go to dance on  
23 stage, plays the music more importantly to the  
24 liking of entertainment, and the ASCAP BMI rules,

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1 music we're allowed to play, not to play.  
2 **Q. So who is it that chooses what music is**  
3 **playing at a particular time at the club?**  
4 A. The DJs actually bring their own  
5 laptop. Equipment is all ours, but they usually  
6 bring their own laptop. The music the DJ plays,  
7 it's according to the girls, the girls like to  
8 play, but also it's got to be on the list of ASCAP  
9 BMI licensing fee because if it's not, they cannot  
10 play it. The club cannot play it. The DJ cannot  
11 play it.  
12 **Q. And the DJ is an employee of the club;**  
13 **is that right?**  
14 A. Correct.  
15 **Q. Is there a position at the club known**  
16 **as "house mom"?**  
17 A. Yes, sir.  
18 **Q. What is a house mom?**  
19 A. House mom is the lady in the dressing  
20 room that really takes care of the entertainers  
21 from the minute they come in to the minute they  
22 leave, their whole shift.  
23 **Q. Is the house mom an employee of the**  
24 **club?**

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1 A. No, sir.  
2 **Q. How is the house mom paid then?**  
3 A. We don't pay the house mom. The house  
4 mom is really a servant to the entertainers.  
5 They're there to supply the entertainers whatever  
6 their needs from whatever the need is for them,  
7 wash their clothes, dry their clothes, fix their  
8 hair, makeup. All the money they choose to give  
9 them. Water, soda, drinks, whatever they need,  
10 iron their clothes, wash their clothes.  
11 **Q. Got it. I imagine though the house mom**  
12 **is not a volunteer position, so she must be**  
13 **getting paid by someone, correct?**  
14 MS. ANDREWS: Objection.  
15 A. We don't pay her. We don't pay her.  
16 She's not getting paid. She's not an employee of  
17 the club.  
18 **Q. Got it. So the club is not paying the**  
19 **house mom; is that right?**  
20 A. Correct.  
21 **Q. Do you know if the dancers pay the**  
22 **house mom anything?**  
23 A. That's between the dancer and house  
24 mom.



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1 **Q. Do you know how much the house mom**  
2 **earns on a given shift?**  
3 A. I really don't know, sir. I don't  
4 count their money.  
5 **Q. Have you ever discussed with any**  
6 **managers a suggested amount the dancers should pay**  
7 **to the house mom each shift?**  
8 MS. ANDREWS: Objection, form.  
9 A. I do not, no.  
10 **Q. So is your testimony you have no idea**  
11 **how much the house mom could earn on a shift, some**  
12 **dancers might pay her \$100 and some might pay her**  
13 **\$2?**  
14 A. The dancers don't pay the house mother.  
15 They tip them, but it's not mandatory. It's  
16 voluntary because, like I said, they give a lot of  
17 service. They do a lot of service to the  
18 entertainers.  
19 **Q. How is the house mom chosen?**  
20 A. They talk to the GM. There's three,  
21 four, five different house moms. They make sure  
22 they come in. Their job is to take care of the  
23 girls.  
24 **Q. So the general manager would decide who**

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1 **was working as a house mom?**  
2 MS. ANDREWS: Objection, form.  
3 A. There is more than one, so we -- we  
4 just make sure that there is one. It's necessary  
5 that there's one there, somebody to take care of  
6 the girls back there.  
7 **Q. Has the club ever had to terminate a**  
8 **house mom?**  
9 MS. ANDREWS: Objection, form.  
10 A. I'm not sure because I'm not manager on  
11 the shift on daily basis.  
12 **Q. Have you ever been involved in the**  
13 **hiring of a house mom?**  
14 MS. ANDREWS: Objection, form.  
15 A. Yes. When I was day-to-day manager  
16 about 15, 20 years ago, and they used to be  
17 employees of the club at the time.  
18 **Q. I see. When was it that the house moms**  
19 **ceased being an employee of the club?**  
20 A. I'd say about 20 years ago.  
21 **Q. Did you say about 20 years ago?**  
22 A. Yes, sir.  
23 **Q. And was it your decision to take the**  
24 **house mom from an employee position to this new**

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1 **type of position where she's paid by the dancers?**  
2 A. It became kind of industry standard  
3 basically nationwide. Same time that entertainers  
4 became -- as I said earlier, all our entertainers  
5 -- my entertainer about 20 years ago were my  
6 employees. They all got paid. We all paid them,  
7 house moms and entertainers. They all got paid.  
8 They were employees.  
9 **Q. And who was it who made the decision, I**  
10 **understand it was maybe 20 years ago, for the**  
11 **dancer position to be -- to no longer be an**  
12 **employee position?**  
13 A. Obviously it had to be me making that  
14 kind of decision with my GMs, but it was industry,  
15 went from employees to contractors actually about  
16 15 years ago actually. And don't quote me on  
17 exact date but give or take.  
18 **Q. And how is it -- why is it that you**  
19 **made that decision?**  
20 A. The industry went that way. We follow  
21 the industry, sir.  
22 **Q. How is it that you learned the industry**  
23 **was going that way? Were you at conferences or**  
24 **something like that?**

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1 MS. ANDREWS: Objection, form.  
2 A. Well, there's --  
3 MS. ANDREWS: I'm going to instruct  
4 the witness not to answer to the extent it  
5 invades the attorney/client privilege or would  
6 divulge an attorney/client communication.  
7 You can go forward, but if it's  
8 referencing anything with your communications  
9 of counsel at the time, then don't say anything  
10 further.  
11 THE WITNESS: Okay.  
12 **Q. I'll just repeat the question then. I**  
13 **obviously agree with Attorney Andrews'**  
14 **instruction, but I'm not asking you for anything**  
15 **you said to lawyers or lawyers said to you, but to**  
16 **the extent you can answer it, why is it that you**  
17 **made the decision 15 or 20 years ago to take**  
18 **dancers from employee position and make them a**  
19 **contractor position?**  
20 A. Because we really start not having  
21 control. The girls come and go, it's hard to keep  
22 track of it, so we just made them contractor.  
23 They come and they go when they want to leave,  
24 they want choose to work when they want to work.

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1 **Q. Mr. Mehmeti, earlier we discussed the**  
2 **management team. I understand there's a handful**  
3 **of employees at the club who are managers and are**  
4 **paid salaries; is that right?**

5 A. Correct.

6 **Q. Who were the managers in 2019?**

7 A. Todd Williams is one of them. Got a  
8 bunch of new guys there right now. 2019 -- the  
9 only people being 2019 that are still there would  
10 be two other managers.

11 **Q. And what are their names?**

12 A. Jesse and Bear.

13 **Q. And what is Bear's real name, if you**  
14 **know it?**

15 A. Gerardo Cordova.

16 **Q. In 2019, was there a manager at the**  
17 **club named Mike?**

18 A. Sir, I have a lot of managers that come  
19 and go, especially the last two or three years. I  
20 had a young man named Mike. The guy's last  
21 name -- he's no longer there, I know that.

22 **Q. Do you recall his last name?**

23 A. No, I don't.

24 **Q. Is it possible there was a dayshift**

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1 **manager in 2019 named Mike?**

2 MS. ANDREWS: Objection, form.

3 A. It would be possible, and I know I had  
4 a young man called Mike, but I don't remember if  
5 he worked days or nights. I'm not sure.

6 **Q. Okay. If they're -- because the**  
7 **managers are W-2 employees, I take it the club**  
8 **could look back at records from 2019 and figure**  
9 **out who was employed then?**

10 A. Yes, sir.

11 **Q. Once an entertainer arrives and begins**  
12 **working, is there any type of standard for her**  
13 **dress or attire the club would enforce?**

14 MS. ANDREWS: Objection, form.

15 A. Not standard. I mean they wear what  
16 they want to, lingerie, shorts, t-backs. They  
17 wear what they want to wear, make sure they look  
18 proper, but there's no standard actually.

19 **Q. Does the club have any requirement that**  
20 **the entertainers have to wear heels of a certain**  
21 **height or anything like that?**

22 A. No, sir. No.

23 **Q. Does the club require dancers to remove**  
24 **or cover body piercings?**

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1 A. Well, if you ask me this question  
2 30 years ago, I'd say, yes, but now, if you  
3 require to remove body piercing, we have nobody  
4 left in the building.

5 **Q. At one time there was a requirement**  
6 **that dancers would have to remove piercings before**  
7 **they worked?**

8 A. Actually, because I happened to be the  
9 manager then, again, there were employees then, we  
10 pay them, they got paid hourly, and if they had a  
11 tattoo, they could not work in our clubs -- club,  
12 but now that change. Like, say if we don't have  
13 -- we'd have no entertainers, no females on the  
14 staff.

15 **Q. So is there any requirement now that**  
16 **dancers must cover certain tattoos?**

17 A. No, sir. No.

18 **Q. Are there any standards in terms of a**  
19 **dancers' behavior once they're out on the floor?**

20 MS. ANDREWS: Objection, form.

21 A. I mean we have no standard. I have  
22 certain behavior. We definitely don't want the  
23 girls to go crazy on the floor or -- no, there's  
24 no standard, but we definitely -- if they

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1 misbehave, we want them in the dressing room, stay  
2 in the dressing room.

3 **Q. Have there been instances when dancers**  
4 **misbehaved and were sent back into the dressing**  
5 **room?**

6 MS. ANDREWS: Objection.

7 A. I don't give -- yes.

8 **Q. Have there been instances when the club**  
9 **terminated or fired an entertainer?**

10 MS. ANDREWS: Objection, form.

11 A. No, we didn't fire. They're not  
12 employee, but we terminated the contract, what  
13 they can do.

14 **Q. And what might the reasons be that the**  
15 **club would terminate the contract of an**  
16 **entertainer?**

17 A. For drugs. Drugs and drugs.

18 **Q. Any other reason in the last three**  
19 **years that the club has terminated a contract**  
20 **other than drug use?**

21 A. Drug use, getting drunk and fighting  
22 with other employees or customers.

23 **Q. Are the dancers allowed to chew gum out**  
24 **on the dance floor, if they want?**

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1 A. Yes. I guess, yes.  
2 **Q. Are dancers allowed to bring their**  
3 **cell. phone out on the floor with them?**  
4 A. Yes, sir.  
5 **Q. As the owner of the club, is there a**  
6 **particular type of theme or atmosphere that you**  
7 **try to create for customers?**  
8 MS. ANDREWS: Objection, form.  
9 A. Not theme, but we like to play upbeat,  
10 happy music, but, no, we don't have certain theme.  
11 **Q. Earlier, Mr. Mehmeti, we spoke about**  
12 **the hours that the club is open. Who is it who**  
13 **sets those hours?**  
14 A. That'd be myself.  
15 **Q. And, I take it, you know, around the**  
16 **stage and in the VIP area, there's furniture in**  
17 **the club; is that right?**  
18 A. Correct.  
19 **Q. Are there chairs and couches and that**  
20 **sort of stuff?**  
21 A. Both, yes, sir, chair, tables, couches,  
22 sofas.  
23 **Q. And those were purchased by the club?**  
24 A. Correct.

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1 **Q. Over the past three years, has the club**  
2 **ever advertised to get new entertainers to come?**  
3 A. I'm not sure, sir. We don't advertise  
4 on paper, I know that for sure.  
5 **Q. Okay.**  
6 A. We used to. Used to a long time ago,  
7 but we don't do it anymore.  
8 **Q. I'm just going to bring up a document**  
9 **or two, if you'll give me a second.**  
10 A. Okay. Sorry, guys, I lost my light  
11 again. The time is up.  
12 **Q. Mr. Mehmeti, can you see a document**  
13 **that's been shared on the screen?**  
14 A. Yes, sir. Let me put on my glasses.  
15 **Q. Sure.**  
16 A. Yes, sir.  
17 **Q. And I'm just going to say for**  
18 **identifying purposes, this is a single page**  
19 **document. It's Bates numbered R0021.**  
20 A. Yes, sir.  
21 **Q. Mr. Mehmeti, my first question is just**  
22 **whether you recognize this type of document?**  
23 A. That's a sign-in sheet. I cannot read  
24 -- Julia Predmore. That's a sign-in sheet. The

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1 entertainer comes in, exactly I see, \$15, 5:47,  
2 7:30, 40 sign up.  
3 **Q. Got it. And what is that \$15 that you**  
4 **just read off, what is that?**  
5 A. That's house fees, rental fees.  
6 **Q. That was an amount paid by Ms. Predmore**  
7 **to the club?**  
8 A. Yes, sir.  
9 **Q. And then the second to last column,**  
10 **Contract Damages Collected, do you see that it**  
11 **says 40?**  
12 A. Correct.  
13 **Q. What are "Contract Damages"?**  
14 A. As we said, the girls make their own  
15 hours. They can come and go whenever they want  
16 to. If they leave early before the shift ends per  
17 the Contract Agreement/License Agreement, they pay  
18 a fee. They could leave, like I said, whenever  
19 they want to. That \$40 is damages of her  
20 contract, so she didn't finish the shift.  
21 **Q. Got it. I'm just going to show one**  
22 **more document. Mr. Mehmeti, can you see another**  
23 **document on the screen?**  
24 A. Yes, sir.

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1 **Q. I'm just going to state, for**  
2 **identification purposes, this is a document**  
3 **titled, Declaration of Julia Predmore in Support**  
4 **of Plaintiff's Motion For Conditional**  
5 **Certification.**  
6 A. Okay.  
7 **Q. The date on this document indicates it**  
8 **was filed in court in July of 2020. I just have**  
9 **one question for you, Mr. Mehmeti. I'm going to**  
10 **move down in the document briefly.**  
11 **In Paragraph 16, Mr. Mehmeti, it says,**  
12 **"I was also required to pay a service and supply**  
13 **fee of \$24 each shift to the house mom, \$10 of the**  
14 **fee went to the house mom, \$10 to the DJ and \$4 to**  
15 **the bartender"; did I read that correctly?**  
16 A. Yes, you read correctly.  
17 **Q. Are you familiar with any term at the**  
18 **club as "Service and Supply Fee"?**  
19 A. They're not mandatory, but there's,  
20 like as we said, service the house mothers. The  
21 house mothers and DJs, they really work for --  
22 they're there to take care of the entertainers.  
23 They put a lot of effort to take care of the  
24 entertainers, so there's not mandatory certain

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1 fee. They could pay -- they could tip them \$20,  
2 \$30, \$50. They could tip them nothing.  
3 **Q. Understood. So do you have any reason**  
4 **to dispute Ms. Predmore's testimony that she was**  
5 **paying \$24 per shift?**  
6 A. I'm not saying I'm wrong or not. She  
7 could be -- she could be tipping a lot more.  
8 There's days I know they tip \$20, \$30, \$40. I  
9 don't know what they tip. I'm not there. And  
10 managers are there, okay, "give me this" or "give  
11 me that," you know, so she claims she had to tip  
12 out \$24, so that's what she claimed. I don't know  
13 what she tip.  
14 **Q. Okay. Do you have any reason to**  
15 **dispute her testimony that when she tipped \$24**  
16 **that it was split \$10 to house mom, \$10 to DJ and**  
17 **\$4 to bartender?**  
18 MS. ANDREWS: Objection, form.  
19 A. I'm not sure how it split up, sir, or  
20 what she tipped or exactly when right now.  
21 MR. THOMSON: Okay. If it's all  
22 right, I'm going to take another five-minute  
23 break, come back, let's just say, 11:20 Central  
24 Time.

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1 MS. ANDREWS: Okay. Sounds good.  
2 (Recess taken.)  
3 BY MR. THOMSON:  
4 **Q. Mr. Mehmeti, I just have a few more**  
5 **questions for you.**  
6 **When a new entertainer begins at the**  
7 **club, does she have any training that she**  
8 **undergoes?**  
9 A. Not really. No, sir. No.  
10 **Q. Who would know that?**  
11 A. I guess the manager know, but I know  
12 there's no training for the entertainers. There's  
13 training for waitresses, bartenders, managers, but  
14 not entertainers.  
15 **Q. So your testimony is, there is no**  
16 **training for new entertainers?**  
17 A. They walk in and the management show  
18 them the building, the stages, the whole club  
19 operation, what is where, but there is no training  
20 for entertainers.  
21 **Q. Okay. Earlier I think you mentioned,**  
22 **Mr. Mehmeti, there is a space at the club that you**  
23 **referred to as the locker room; is that right?**  
24 A. Dressing room, yes.

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1 **Q. Who uses the locker room or dressing**  
2 **room?**  
3 A. Oh, I'm sorry. I didn't hear.  
4 **Q. That's fine. My question was, who uses**  
5 **the locker room or dressing room?**  
6 A. The entertainers mostly, the  
7 waitresses. The house mother is there. I mean  
8 everybody goes in and out, other employees, but  
9 really is for waitresses and entertainers.  
10 **Q. Okay. Does the club ever post any**  
11 **signs to communicate, like, information to the**  
12 **entertainers or waitresses in the locker room?**  
13 A. There's signs there I know for sure  
14 that -- for human trafficking. I know those are  
15 signs there for sure.  
16 **Q. Any other signs you can recall in the**  
17 **locker room?**  
18 A. I'm not sure, sir.  
19 **Q. We spoke earlier, Mr. Mehmeti, about a**  
20 **main entrance where the customers enter the club;**  
21 **is that right?**  
22 A. Correct.  
23 **Q. Do the entertainers when they arrive**  
24 **for their shift, do they go through the same**

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1 **entrance or a different entrance?**  
2 A. Same entrance. They're supposed to go  
3 same entrance, but there's a back door. Sometimes  
4 they come in. You know, it's open all the time  
5 while we're open, but they're supposed to come  
6 through front door.  
7 **Q. Why is it that they're supposed to come**  
8 **through the front door?**  
9 A. Because we want everybody coming in the  
10 front door, who's coming and who's going. There's  
11 an emergency door right back in the dressing room.  
12 We have six emergency doors. They could come  
13 through that, but they come through the front  
14 door. Actually, yes, they do because they valet  
15 the cars. Some they valet, and the valets park  
16 right up front by the front door.  
17 **Q. Got it. I'm just going to bring up**  
18 **another document.**  
19 A. Okay.  
20 **Q. And let me go to the top of this**  
21 **document. This is the same document that we**  
22 **looked at a moment ago. I forgot to say this**  
23 **earlier, but this will be Mehmeti Deposition**  
24 **Exhibit 2. This is the document titled,**

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**1 Declaration of Julia Predmore in Support of the**  
**2 Plaintiff's Motion for Conditional Certification.**  
**3 I'm just going to move down a little.**  
**4 Mr. Mehmeti, I'm highlighting Paragraph**  
**5 -- excuse me. Hold on. Let me find it.**  
**6 Paragraph 13, I'm going to read it out loud and**  
**7 just ask you if I've read it correctly. Paragraph**  
**8 13 in Ms. Predmore's Declaration says, "PT's also**  
**9 had rules for dancers' appearance. I was required**  
**10 to have my hair down while working and was not**  
**11 applied to have facial piercings." I think that's**  
**12 a typo. "Dancers were also not allowed to chew**  
**13 gum. PT's managers charged dancers fines of \$80**  
**14 to \$100 for violating these rules and could send**  
**15 dancers home."**

16 A. That's not true, sir. That's not true.

17 Q. So my first question is, did I read  
18 that accurately?

19 A. You read that very good, but that's not  
20 true.

21 Q. So were there ever instances when the  
22 club would charge dancers fines?

23 MS. ANDREWS: Objection, form.

24 A. I'm not sure, but I don't think so.

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1 Charge a fine for chewing gum? No. Absolutely  
2 not.

3 Q. Okay. Could PT's managers send dancers  
4 home if they didn't think they were exhibiting the  
5 right behavior or attire?

6 A. As we talked earlier, they were sent  
7 home if they were intoxicated, if they were doing  
8 drugs, if they're doing things they were not  
9 supposed to do in the club, they would be sent  
10 home for the shift, yes, for the rental period  
11 that they were there or came in.

12 Q. Did the managers ever require  
13 entertainers to wear their hair a certain way?

14 A. No, sir. No.

15 Q. Are you aware of an entertainer ever  
16 being fined for not wearing her hair a certain way  
17 or for chewing gum?

18 A. I'm not sure about that, sir.

19 Q. Just give me one moment.

20 A. Okay.

21 MR. THOMSON: I do not have any  
22 additional questions, Ms. Andrews, I don't know  
23 if you have anything.

24 MS. ANDREWS: Just a couple.

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1 CROSS EXAMINATION

2 BY MS. ANDREWS:

3 Q. Mr. Mehmeti, are you appearing here in  
4 your individual capacity?

5 A. I'm appearing on behalf of PT's Men's  
6 Club as president.

7 Q. The deposition noticed you as Nick  
8 Mehmeti, correct?

9 A. Yes, ma'am.

10 Q. Okay. And there weren't specific  
11 topics that you were supposed to prepare for,  
12 correct?

13 A. Yes, ma'am.

14 Q. And so today you just testified to the  
15 best of your knowledge?

16 A. Yes, I did.

17 Q. And with your best recollection?

18 A. Yes, I did, ma'am.

19 Q. Okay.

20 MS. ANDREWS: With that, I pass the  
21 witness.

22 MR. THOMSON: Okay. Nothing more from  
23 me, so we can go off the record, unless the  
24 court reporter needs to add anything else.

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1 THE STENOGRAPHER: Can I just ask on  
2 the record who wants to order a copy of the  
3 transcript?


4 MR. THOMSON: Yes. The Claimant will  
5 order a pdf copy, regular print and mini print,  
6 please.

7 MS. ANDREWS: And the same, I just  
8 prefer a condensed version.

9 THE STENOGRAPHER: Okay.  
10 (Exhibits 1 and 2 marked  
11 for identification)  
12 (Whereupon, the deposition concluded  
13 at 12:30 p.m.)



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1 CERTIFICATE  
2 Commonwealth of Massachusetts  
3 Suffolk ss.  
4  
5 I, Julie A. Mercier, Registered  
6 Professional Reporter and Notary Public in and  
7 for the Commonwealth of Massachusetts, do  
8 hereby certify that NICK MEHMETI, the witness  
9 whose deposition is hereinbefore set forth, was  
10 duly sworn by me and that such deposition is  
11 transcribed to the best of my ability.  
12 I further certify that I am neither related  
13 to or employed by any of the parties in or  
14 counsel to this action, nor am I financially  
15 interested in the outcome of this action.  
16  
17 In witness whereof, I have hereunto set my  
18 hand and seal this \_\_\_\_ day of  
19 \_\_\_\_\_, 2022.  
20   
21  
22 Notary Public  
23 My commission expires:  
24 September 2, 2022

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1 PLEASE ATTACH TO THE DEPOSITION OF NICK MEHMETI  
2 CASE: PREDMORE v. NICK's MANAGEMENT  
3 DATE TAKEN: MARCH 9, 2022  
4 ERRATA SHEET  
5 Please refer to page 54 for errata sheet  
6 instructions and distribution instructions.  
7 PAGE LINE CHANGE REASON  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 I have read the foregoing transcript of my  
16 deposition and except for any corrections or  
17 changes noted above, I hereby subscribe to the  
18 transcript as an accurate record of the statements  
19 made by me. Executed  
20 this \_\_\_\_ day of \_\_\_\_\_, 2022.  
21  
22  
23 \_\_\_\_\_  
24 NICK MEHMETI

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1 ERRATA SHEET DISTRIBUTION INFORMATION  
2 DEPONENT'S ERRATA SHEET & SIGNATURE  
3 INSTRUCTIONS  
4 ERRATA SHEET DISTRIBUTION INFORMATION  
5  
6 The original of the Errata Sheet has been  
7 delivered to Latrice Andrews, Esq.  
8 When the Errata Sheet has been completed by  
9 the deponent and signed, a copy thereof should be  
10 delivered to each party of record and the ORIGINAL  
11 forwarded to Matthew Thomson, Esq. to whom the  
12 original deposition transcript was delivered.  
13  
14 INSTRUCTIONS TO DEPONENT  
15 After reading this volume of your  
16 deposition, please indicate any corrections or  
17 changes to your testimony and the reasons  
18 therefore on the Errata Sheet supplied to you and  
19 sign it. DO NOT make marks or notations on the  
20 transcript volume itself. Add additional sheets  
21 if necessary. Please refer to the above  
22 instructions for errata sheet distribution  
23 information.  
24

<b>Exhibits</b>	49:6,8	<b>7,500</b>	<b>afternoon</b>	<b>applied</b>
<b>MehmetiExh1</b>	<b>15</b>	21:7	12:23	49:11
3:9	34:16 35:16	<b>75</b>	<b>age</b>	<b>Approximately</b>
<b>MehmetiExh2</b>	36:17	11:22	25:20	7:1 11:20
3:11 48:24	<b>16</b>	<b>7:30</b>	<b>agree</b>	<b>arbitration</b>
	44:11	43:2	5:3,5 36:13	5:22
	<b>1701</b>	<b>7up</b>	<b>agreement</b>	<b>area</b>
	4:8	20:14	4:22,23 25:4	16:10,14,17,
<b>\$</b>	<b>1983</b>		29:22 43:17	19 41:16
<b>\$10</b>	8:9	<b>8</b>	<b>Agreement/</b>	<b>arrangement</b>
16:19 17:7		<b>85</b>	<b>license</b>	4:20
44:13,14	<b>2</b>	11:22	43:17	<b>arrive</b>
45:16	<b>2</b>	<b>8:00</b>	<b>alcohol</b>	47:23
<b>\$100</b>	48:24	14:16	20:3,5	<b>arrives</b>
33:12 49:14	<b>20</b>		<b>allowed</b>	38:11
<b>\$15</b>	24:23 34:16,	<b>A</b>	31:1 40:23	<b>ASCAP</b>
43:1,3	20,21 35:5,10	<b>a.m.</b>	41:2 49:12	30:24 31:8
<b>\$2</b>	36:17	14:2,3,5,6,17	<b>Ambrose</b>	<b>assume</b>
33:13	<b>2019</b>	<b>accurate</b>	23:8	26:3
<b>\$20</b>	9:17,21,24	19:19	<b>amount</b>	<b>atmosphere</b>
12:21 15:9,10,	10:4,18 11:24	<b>accurately</b>	12:19 16:2	41:6
13 16:7 17:1,	28:12 37:6,8,	49:18	28:18,20 33:6	<b>attention</b>
13,18 45:1,8	9,16 38:1,8	<b>acknowledge</b>	43:6	9:21
<b>\$200</b>	<b>2020</b>	4:11,15	<b>amounts</b>	<b>attire</b>
18:7	44:8	<b>activities</b>	28:13 29:2	38:13
<b>\$24</b>	<b>25</b>	8:18,22	<b>And/or</b>	<b>Attorney</b>
44:13 45:5,12,	30:2	<b>addition</b>	9:6	5:2,4 36:13
15	<b>2:00</b>	6:10	<b>Andrews</b>	<b>attorney/client</b>
<b>\$30</b>	14:2,5	<b>additional</b>	5:4 8:20	36:5,6
45:2,8		28:7	14:10,14	<b>attorneys</b>
<b>\$4</b>	<b>3</b>	<b>address</b>	17:14 18:10	4:10
44:14 45:17	<b>30</b>	9:2	21:16 25:3,11,	<b>attractive</b>
<b>\$40</b>	39:2	<b>administered</b>	24 26:6 27:8	26:4,7
43:19 45:8		4:16	29:16 30:10	<b>audition</b>
<b>\$50</b>	<b>4</b>	<b>ads</b>	32:14 33:8	25:6
45:2	<b>40</b>	24:2	34:2,9,14	
<b>\$80</b>	43:2,11	<b>adult</b>	36:1,3 38:2,14	<b>B</b>
49:13	<b>4:00</b>	14:9	39:20 40:6,10	<b>back</b>
<b>1</b>	14:6,17	<b>Adventure</b>	41:8 45:18	9:17 18:21
<b>10601</b>	<b>5</b>	21:20,21	46:1 49:23	19:15 30:8
9:3	<b>50,000</b>	<b>advertise</b>	<b>Andrews'</b>	34:6 38:8 40:4
<b>10:45</b>	21:6	23:24 42:3	36:13	45:23 48:3,11
30:9	<b>5:47</b>	<b>advertised</b>	<b>answering</b>	<b>background</b>
<b>11:00</b>	43:1	42:2	6:4	25:17,21
14:2,17		<b>advertising</b>	<b>anymore</b>	<b>backs</b>
<b>11:20</b>	<b>7</b>	23:22	42:7	11:19
45:23	<b>7,000</b>	<b>affiliated</b>	<b>appearance</b>	<b>band</b>
<b>12:00</b>	21:6	7:19 9:17,20	49:9	17:10
14:3		28:11	<b>appearing</b>	<b>bands</b>
<b>13</b>		<b>affiliation</b>	4:7	16:19 17:7
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BROOKE LAYTON November 2, 2021

1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF TEXAS  
3 DALLAS DIVISION  
4 BROOKE LAYTON, individually and)  
5 on behalf of all others )  
6 similarly situated, )  
7 )  
8 Plaintiff, )  
9 )  
10 VS. ) CA-NO. 3:21-cv-01636-N  
11 )  
12 MAINSTAGE MANAGEMENT, INC, )  
13 NICK'S MAINSTAGE, INC. - DALLAS )  
14 PT'S d/b/a PT'S MENS CLUB and )  
15 NICK MEHMETI, )  
16 )  
17 Defendants. )  
18  
19  
20  
21  
22  
23  
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\* \* \* \* \*

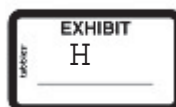
ORAL DEPOSITION OF

BROOKE LAYTON

NOVEMBER 2, 2021

\* \* \* \* \*

18 ANSWERS AND DEPOSITION of BROOKE LAYTON, taken  
19 at the instance of the Defendant on the 2ND day of  
20 NOVEMBER, 2021, in the above styled and numbered cause,  
21 in the City of Dallas, County of Dallas and State of  
22 Texas before Donna L. Johnston, a Certified Shorthand  
23 Reporter in and for the State of Texas, pursuant to the  
24 Federal Rules of Civil Procedure and the provisions  
25 stated on the record.





BROOKE LAYTON November 2, 2021

2

1 A P P E A R A N C E S

2

3 On Behalf of Plaintiff, BROOKE LAYTON, individually and  
4 on behalf of all others similarly situated:

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8

9 On Behalf of Defendants, MAINSTAGE MANAGEMENT, INC.,  
NICK'S MAINSTAGE, INC. - DALLAS PT'S d/b/a PT'S MENS  
10 CLUB and NICK MEHMETI:

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17  
18  
19  
20  
21  
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23  
24  
25

BROOKE LAYTON November 2, 2021

3

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Defendant Mainstage Management,  
Inc.'s First Request  
For Production

the truth today?

**A. No, ma'am.**

**Q.** Have you ever had your deposition taken before?

**A. No, ma'am.**

**Q.** Okay. And Ms. Donna over here will be writing down everything that we'll be saying back and forth, and so she needs to make sure we don't talk over each other, okay?

**A. Yes, ma'am.**

**Q.** So if you'll allow for me to finish my question and I will do the courtesy of allowing you to finish your answer, Donna won't get mad at us, okay?

**A. Yes, ma'am.**

**Q.** All right. Can you please state your full name for the record?

**A. My name is Brooke Ashlee Elizabeth Kiannejad, K-I-A-N-N-E-J-A-D. My maiden name is Layton, L-A-Y-T-O-N.**

**Q.** Okay. And where do you live now; what's your address?

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## P R O C E E D I N G S

BROOKE LAYTON,  
having been first duly sworn, testified as follows:  
MS. ANDREWS: Before we begin, I just wanted to state we agree that we are taking the deposition pursuant to the Federal Rules of Procedure as well as the local rules of the Northern District of Texas, if that's correct?

MS. REZAZADEH: Correct.

MS. ANDREWS: Thank you.

## EXAMINATION

BY MS. ANDREWS:

**Q.** Ms. Layton, just so that you're aware of some background stuff, obviously, I represent the defendants that have been named in this case. My name is Latrice Andrews, and I'm located in the Dallas area; that's where I practice. The deposition today, when I ask you yes-or-no questions, if you can make sure that you're not nodding and you actually verbalize a yes or no for the court reporter, that would be very helpful; are you able to do that?

**A. Yes, ma'am.**

**Q.** And are you under any medication or influence or anything that would prevent you from being able to tell

**I don't know --**

**Q.** And why do you say that's your permanent address?

**A. Because I do not own a home, so that's my family's -- my mom's address, so yeah.**

**Q.** Okay. But you're currently residing in Plano, Texas?

**A. Yes, ma'am.**

**Q.** And you're renting that home there with your husband?

**A. Yes, we live with his father or his mother.**

**Q.** And prior to living where you're at in Plano, where did you live?

**A. We lived in Carrollton, Texas.**

**Q.** When did you -- what time frame did you live there?

**A. February 2020 to the end of May of 2021.**

**Q.** Okay. And then prior to that, where did you live?

**A. In Dallas, Texas from February 2019 to the end of 2019.**

**Q.** Okay. And so from December 2019 to February 2020, where were you living?

**A. In Plano with my husband's mother.**

**Q.** Okay. And was that the Plano address that you

supp APPX 174

1 previously provided?

2 **A. Yes, ma'am.**

3 **Q.** Okay. What was the address that you were at in

4 Dallas, Texas?

5 **A. I can't remember. I know it was off Summer**

6 **Creek in Dallas, but that's all I remember.**

7 **Q.** Okay. And then prior to living at that address

8 off of Summer Creek, where were you living?

9 **A. I was living in Mesquite at apartments off of**

10 **Galloway Avenue.**

11 **Q.** Okay. And how long did you live there?

12 **A. Probably February 2018 to February 2019.**

13 **Q.** Okay. And do you know the exact address of

14 those apartments?

15 **A. No, ma'am.**

16 **Q.** And the Oak -- The 990 Crystal Cove address is

17 the address that you provided to the defendants in this

18 case as your residence; is that correct?

19 **A. Yes, ma'am.**

20 **Q.** And when is it that you started, that you

21 believe you started working at the defendant's place of

22 business?

23 **A. July 2018.**

24 **Q.** Okay. And when do you believe you stopped

25 working there?

1 **A. December 2019.**

2 **Q.** And do you know what day in July you started

3 working there, according to your memory?

4 **A. I don't know.**

5 **Q.** Okay. Do you know what date in December you

6 last worked there, December of 2019?

7 **A. I also don't know.**

8 **Q.** Do you know if it was the beginning of the

9 month; was it before Christmas; do you have any

10 recollection?

11 **A. Potentially, you know, the middle or beginning**

12 **of the month for December.**

13 **Q.** Okay. Do you know just kind of what it means to

14 have your deposition taken, for purposes of this case?

15 **A. To provide answers for the court in their**

16 **decision.**

17 **Q.** Kind of. You understand the importance of the

18 oath that Donna administered and how to tell the truth,

19 correct?

20 **A. Yes, ma'am.**

21 **Q.** Okay. I wanted to make sure we have that on the

22 record.

23 All right. Are you aware of completing some

24 initial or reviewing some initial disclosures that you

25 served in this case?

1 **A. Can you elaborate?**

2 **Q.** Do you know what discovery is?

3 **A. Yes, ma'am.**

4 **Q.** Okay. Have you been asked to review any

5 discovery responses or prepare any discovery responses?

6 **A. I was given questions that I was asked to answer**

7 **in regards to discovery.**

8 **Q.** Okay. Were you -- Do you recall asking about

9 getting any documents together and providing those?

10 **A. Yes, ma'am.**

11 **Q.** Okay. Did you do that?

12 **A. I gathered what I could find.**

13 **Q.** Okay. And those have been provided to your

14 attorney?

15 **A. Yes, ma'am.**

16 **Q.** Okay. What documents did you get together?

17 **A. There was a couple of photos and some videos,**

18 **maybe one video, and I think that could be it; I can't**

19 **remember.**

20 **Q.** What about your 2018 tax return?

21 **A. I believe maybe I did provide that.**

22 **THE WITNESS: Did I?**

23 MS. REZAZADEH: I don't -- You can go ahead

24 and answer what you recall.

25 THE WITNESS: Okay.

1 **A. I may or may not have.**

2 **Q.** (BY MS. ANDREWS) Did you file a tax return in

3 2018 and 2019?

4 **A. Yes.**

5 **Q.** What about your bank statements, did you provide

6 those?

7 **A. No.**

8 **Q.** Do you have bank statements for 2018 and 2019?

9 **A. No.**

10 **Q.** Do you have access to bank statements for 2018

11 and 2019?

12 **A. Possibly. I wasn't actively using a bank**

13 **account for work at that time.**

14 **Q.** Were you using Venmo?

15 **A. No.**

16 **Q.** Were you using a bank at all in 2018 and 2019?

17 **A. Yes.**

18 **Q.** What bank was that?

19 [REDACTED]

20 **Q.** Do you still bank there?

21 **A. Yes, ma'am.**

22 **Q.** Do you have any social media accounts?

23 **A. Not that are relevant to this case.**

24 **Q.** Do you have any social media accounts?

25 **A. Yes, ma'am.**

1 Q. And what social media accounts are those?

2 A. **All of them -- our Instagram is under The Pinup**  
 3 **Agent, which is -- My Tic Tock is also under The Pinup**  
 4 **Agent.**

5 Q. I'm sorry? A Pinup Agent?

6 A. **The Pinup Agent.**

7 Q. The, okay. And what is The Pinup Agent; what is  
 8 that?

9 A. **It's my real estate account.**

10 Q. And what do you mean by a real estate account?

11 A. **I'm a Realtor in the Dallas-Fort Worth area, and**  
 12 **I use that for social media purposes in regards to real**  
 13 **estate.**

14 Q. Okay. In 2018 and in 2019, did you have a  
 15 social media account?

16 A. **Yes, ma'am.**

17 Q. And what were the handles and hashtags used on  
 18 those accounts?

19 A. **I believe --**

20 Q. What? I'm sorry. Go ahead.

21 A. **I believe it was under Shirley Poisin,**  
 22 **P-O-I-S-I-N. And before that, it was KimberFoxOfficial.**  
 23 **But those were used for modeling purposes.**

24 Q. Was Kimber also your stage name?

25 A. **Kimber was my stage name, but Kimber Fox was my**

BROOKE LAYTON November 2, 2021

13

1 **modeling name. I never used Kimber Fox for dancing.**

2 Q. And you speak about modeling, were you modeling  
 3 in 2018 and 2019?

4 A. **Yes, I have modeled since 2013.**

5 Q. And did you make money from modeling?

6 A. **Yes.**

7 Q. Were you an independent contractor as a model?

8 MS. REZAZADEH: Objection, form.

9 You can answer, Brooke.

10 A. **Okay. What was the question again?**

11 Q. (BY MS. ANDREWS) Were you an independent  
 12 contractor as a model?

13 MS. REZAZADEH: The same objection.

14 A. **I was my own boss.**

15 Q. (BY MS. ANDREWS) When you -- Who did you work  
 16 for, like what contracts did you have?

17 A. **I did not have any contracts while I was**  
 18 **modeling.**

19 Q. Were you modeling at the same time you were --  
 20 you claim you were working at the defendant's business?

21 A. **Yes.**

22 Q. And the Kimber Fox account, do you still have  
 23 access to it?

24 A. **No, that account has been deleted, as well as**  
 25 **Shirley Poisin has been deactivated. There is a fake**

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1 **profile of me under Kimber Fox right now that I've tried**  
 2 **to have removed since 2018.**

3 Q. Are -- Have you contacted or made any efforts or  
 4 attempts to retrieve the data in those deleted accounts?

5 A. **No, ma'am.**

6 Q. Do you understand you have the ability to do  
 7 that?

8 MS. REZAZADEH: Objection, form.

9 A. **No, I don't.**

10 Q. (BY MS. ANDREWS) When did you delete this  
 11 account?

12 A. **Shirley Poisin was deleted maybe March of 2020,**  
 13 **but I hadn't been actively using the account; that's why**  
 14 **I deleted it or deactivated it.**

15 Q. Right. So can you explain the difference  
 16 between deactivating and deleting?

17 MS. REZAZADEH: Objection, form.

18 A. **When I got a new phone, I didn't ever log into**  
 19 **that Shirley Poisin account, so I don't have access to**  
 20 **it at this time or...**

21 Q. (BY MS. ANDREWS) So but you can reset the  
 22 password, correct?

23 MS. REZAZADEH: Objection, form.

24 A. **I'm unsure. I haven't tried. I don't -- I**  
 25 **don't have anything -- I wouldn't have had a reason to**

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1 **try.**

2 Q. (BY MS. ANDREWS) You understand that we served  
 3 a request for production in this case?

4 MS. REZAZADEH: Objection, form.

5 A. **Can you elaborate on that?**

6 Q. (BY MS. ANDREWS) Do you remember when we asked  
 7 for documents, and you gathered the documents for your  
 8 attorney?

9 A. **Yes.**

10 Q. We asked about there being social media  
 11 accounts; do you recall that question?

12 A. **No.**

13 Q. Do you recall responding you had no social media  
 14 accounts?

15 A. **I can't remember.**

16 Q. So now you're saying that you for 2018 and 2019,  
 17 you did have active social media accounts, correct?

18 A. **I've had social media accounts since 2013.**

19 Q. And you are also saying that you used the name  
 20 Kimber Fox, which -- on one of those social media  
 21 accounts, right?

22 A. **Briefly. I've also used the name Roxie Vixen.**  
 23 **These are primarily --**

24 MS. ANDREWS: I'm going to object to the  
 25 non-responsive portion.

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MS. REZAZADEH: Will you let her finish her

answer, please. Thanks.

Go ahead.

**A. I've had many names for Burlesque, and that would be Roxie Vixen, Kimber Crimson Fox, Shirley Poisin; those were the primary accounts that were tied to whatever name I was using for Burlesque, not stripping purposes at that time.**

**Q.** (BY MS. ANDREWS) So there was also a Kimber Crimson Fox?

**A. Yes. I don't believe that I had my Instagram to that, though. I can't recall, but...**

**Q.** Did you also have a Facebook account?

**A. My personal page.**

**Q.** Is that still active?

**A. It's as Kimber Fox, yes.**

**Q.** I'm sorry? It's what?

**A. It's as Kimber Fox for real estate purposes.**

**Q.** Do you have a Facebook page under your legal name of Brooke Layton?

**A. No.**

**Q.** And these accounts are currently active?

**A. My Kimber Fox one is, yes, on Facebook. And I do actually have The Pinup Agent on Facebook as well.**

**Q.** Okay.

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**MS. ANDREWS:** Can we go off the record for a second?

**MS. REZAZADEH:** Sure, you want to take a break?

**MS. ANDREWS:** I just wanted to --

**THE REPORTER:** Going off the record at 10:26.

(Recess taken)

**THE REPORTER:** Going back on the record at 10:27.

**Q.** (BY MS. ANDREWS) Are you aware of whether you signed documents when you first started having a working relationship with PT's, we'll call the defendant's club?

**A. Yes, I signed something.**

**Q.** Okay. What is it that you believe you signed?

**A. When I first started working there, I believe that it may have been an independent contractor form, but I was also -- I remember distinctly trying to read through the form and have a manager come back and shame me and say I didn't know that you could read when it took me 30 minutes to go through the contract. So I felt rushed and I couldn't actually complete the contract.**

**Q.** So you were capable of reading the contract?

**A. I was attempting to read the contract to see**

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**what I was signing but did not make it all the way**

**through before the manager came in and shamed me for trying to read the contract.**

**Q.** So and that was 2018 you're alleging this happened?

**A. Correct.**

**Q.** So you chose to sign it even though you didn't feel like you had enough time to read it?

**A. Yes, this is common. You are given documents to sign and no one explains what those documents are.**

**Q.** Did you have to undertake work at this place or sign a licensing agreement at this facility?

**A. What would a licensing agreement be?**

**Q.** For the -- What you're referring to, the document that you signed or you're saying you signed, did you have to sign it or could you -- or did you have to choose to work there; could you have worked somewhere else?

**MS. REZAZADEH:** Objection, form.

**A. It is standard at all clubs that this form has to be signed. And never once, has anyone ever explained. They just say if you want to work here, you have to sign this form. And I was in need of work, so I signed the form.**

**Q.** (BY MS. ANDREWS) If you -- Were there other

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clubs to work at?

**A. Yes, that also would require the same form to be signed.**

**Q.** And you know that about every single one of them?

**A. I have worked at a few clubs now and every one has to sign this. It is standard knowledge within the industry; this form is signed.**

**Q.** And that's the choice that you make to sign it or not do that, correct?

**A. I would like to eat, so yes, I had to sign the form. And again, it's standard at all clubs that this form is signed. The only other option they had was an actual employee contract, and that one was given to the bartenders and people that were actual employees of the clubs, not people that were working as independent contractors.**

**Q. Weren't you given the option to be an employee?**

**A. I had no bartending experience.**

**Q. Weren't you as part -- So weren't you given the**

option to choose between being an employee, an entertainer, or being an independent contractor?

**A. The way that they presented the employee contract was not suitable for dancers and independent contractor, people that were relying on making money**



1 **each shift rather than a paycheck.**

2 **Q.** Because employees are different than independent  
3 contractors, right?

4 **A. Absolutely.**

5 **Q.** And y'all earn money differently, right?

6 **A. It depends. Because employees also receive tips**  
7 **as well.**

8 **Q.** Not all employees, correct?

9 **A. Well, not a lot of independent contractors**  
10 **receive tips either.**

11 **Q.** Right, but not all employees receive tips,  
12 correct?

13 **A. I'm not an employee there, so I'm not sure how**  
14 **many tips they received, but I know that the bartenders**  
15 **received tips as well as the house mom and the DJ and**  
16 **sometimes the managers who were considered employees.**

17 **Q.** So you don't really know the terms of the  
18 employment relationship and who got tips and who did not  
19 get tips, correct; you just speculate, correct?

20 MS. REZAZADEH: Objection, form.

21 **A. Since I did not read the employee contract, I**  
22 **was just given a briefing of what it was, I do not know**  
23 **the specifics.**

24 **Q.** (BY MS. ANDREWS) Did you ask to come back the  
25 next day to see if you could sign the contract the next

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1 day?

2 **A. No. The day that I went in --**

3 MS. ANDREWS: Objection, non-responsive.

4 MS. REZAZADEH: I'm sorry. Could she finish  
5 her answer, Latrice? No? She's under oath; if she  
6 wants to give a full answer, she's entitled to.

7 Go ahead, Brooke.

8 MS. ANDREWS: I don't think that is correct.

9 And this is the deposition that I called. And if you'd  
10 like to ask her questions --

11 MS. REZAZADEH: That's fine. You're not  
12 going to interrupt my client.

13 THE REPORTER: I'm sorry, ladies.

14 MS. REZAZADEH: You're not going to  
15 interrupt my client in the middle of providing  
16 testimony. So you can either allow her to speak and  
17 she'll allow you to speak like you said you were going  
18 to or then we can take it to the court. Because I  
19 believe you interrupting her mid-answer is inappropriate  
20 and improper. You can object non-responsive nature of  
21 her answer after she gives it.

22 MS. ANDREWS: Then the objection is  
23 untimely.

24 MS. REZAZADEH: No, it's not. It's after  
25 she finishes her answer, you can say I object to the

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1 non-responsive portion. That is how it works.

2 Go ahead, Brooke.

3 MS. ANDREWS: That is incorrect.

4 MS. REZAZADEH: She's already throne you  
5 off. The question you were answering, you said, no.

6 MS. ANDREWS: I'm going to object to counsel  
7 testifying or putting words into her client's mouth.

8 MS. REZAZADEH: If you're not going to let  
9 her finish her question or answer, then you can stop the  
10 deposition. I'm not going to let you interrupt her  
11 mid-answer.

12 MS. ANDREWS: She's not answering the  
13 question.

14 MS. REZAZADEH: She did answer the question.  
15 She started with a yes or a no, specifically --

16 MS. ANDREWS: That was the answer.

17 MS. REZAZADEH: -- to the question. And  
18 then she was providing details about her answer. So I  
19 don't know what you're trying to get at here other than  
20 cutting my -- being rude and cutting off my client.

21 So go ahead, Brooke.

22 MS. ANDREWS: If I ask a yes-or-no question  
23 and she answers yes or no, the question is answered. If  
24 you want to let her elaborate subsequently, you are more  
25 than welcome.

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1 MS. REZAZADEH: You are entitled to object  
2 to the non-responsive portion of her question. That's  
3 all.

4 Go ahead, Brooke.

5 **A. I did not go back the next day to read the**  
6 **contract. The way that it worked, I was also not given**  
7 **an audition. So whenever I went in, the manager**  
8 **literally told me to get naked from head to toe so he**  
9 **could check out my naked body, and then said at that**  
10 **point that I was hired and to sign the contract. And**  
11 **that was it.**

12 **I did not go back the next time after being**  
13 **humiliated like that and already having to expose**  
14 **myself. I felt pressured at that point that if I was**  
15 **going to work there that I needed to sign that day.**

16 **Q.** (BY MS. ANDREWS) And if that were true, you  
17 thought it was a good idea to work there?

18 **A. People in power hold -- People in power exploit**  
19 **vulnerable individuals, so yes, at the time --**

20 MS. ANDREWS: Objection to the  
21 non-responsive portion.

22 (Defendant's Exhibit No. 1 was marked.)

23 **Q.** (BY MS. ANDREWS) Let's look at Exhibit 2, which  
24 is -- Actually, I'll go back. Did you ever see this,  
25 which is the notice of the intent to take your

1 deposition, which was at -- I think it was the second  
2 time we noticed it. It's set for November, for today at  
3 10:00. Did you see this document?

4 **A. Briefly, yes.**

5 **Q.** Okay.

6 MS. ANDREWS: And this will be Exhibit 1 for  
7 the deposition. And I'm going to skip really fast to --  
8 (Defendant's Exhibit No. 3 was marked.)

9 **Q.** (BY MS. ANDREWS) Is this a true and correct  
10 image of you?

11 **A. Yes.**

12 **Q.** And did you -- Do you recall going to Bio-Verify  
13 to get a background check done?

14 **A. Yes.**

15 **Q.** Okay. And does it sound correct that you did  
16 this on or about July 9, 2018?

17 **A. Yes.**

18 **Q.** Okay. And this is the Oak Point address that  
19 you had previously referenced on the first page of  
20 Exhibit 3?

21 **A. Yes.**

22 **Q.** Okay. Let's see.

23 MS. REZAZADEH: Exhibit 3? What was Exhibit  
24 2?

25 MS. ANDREWS: I'll come back to that.

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1 MS. REZAZADEH: All right.

2 **Q.** (BY MS. ANDREWS) Let's see. And you did  
3 provide your fingerprints as part of the application  
4 process?

5 **A. Yes.**

6 **Q.** And then do you recall seeing this document  
7 that's the Written Authorization of Employer/Independent  
8 Contractor?

9 **A. Yes.**

10 **Q.** So at this point, you know that you were given  
11 an option as to being one or the other?

12 **A. There's no "or" on that; it's just a slash, so**  
13 **to me, it could have been either. But to me, I know I**  
14 **signed the independent contractor form.**

15 **Q.** And then is this the Mesquite address that you  
16 had referred to that you couldn't remember the exact  
17 address?

18 **A. Yes, ma'am.**

19 (Defendant's Exhibit No. 4 was marked.)

20 **Q.** (BY MS. ANDREWS) And then Exhibit 4, is this  
21 the License And Lease Agreement that you're referring to  
22 that you signed?

23 **A. Yes.**

24 **Q.** And are you aware that part of this agreement  
25 says that you're choosing to be treated as an employee

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1 or that you're being -- you're choosing to be treated as  
2 an independent contractor?

3 **A. Yes, but I was not treated as such.**

4 **Q.** Was your understanding that this contract was  
5 for you to be an independent contractor, correct?

6 **A. In order to keep working there, yes, they**  
7 **required everyone --**

8 MS. ANDREWS: Object to the non-responsive  
9 portion.

10 MS. REZAZADEH: Will you please let her  
11 finish. Please stop interrupting her. She's not been  
12 interrupting you. Thank you.

13 MS. ANDREWS: I'm just asking her to answer  
14 the question. It would go a lot faster if the question  
15 would just be answered. It's a simple question.

16 MS. REZAZADEH: She's entitled to give you  
17 her testimony the way she feels fit, and you're not  
18 entitled to interrupt her.

19 MS. ANDREWS: She's entitled to answer the  
20 question as asked; she's not entitled to change  
21 questions.

22 MS. REZAZADEH: Because she's not answering  
23 your question, you can't cut her off, okay? She is  
24 answering your question. Are you saying she's not  
25 answering your questions?

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1 MS. ANDREWS: I'm saying she's rambling on  
2 about additional things, and I'm just asking simple  
3 questions.

4 MS. REZAZADEH: I'll also convey to you that  
5 you're going to have to be polite and exercise  
6 appropriate etiquette and let her finish speaking when  
7 she's speaking. I mean, you can object again if you --  
8 to non-responsiveness, but otherwise, please stop  
9 interrupting her. It's not good for the court reporter,  
10 and it's rude.

11 MS. ANDREWS: It would be helpful if you  
12 would ask your client to just answer the question.

13 MS. REZAZADEH: I can't instruct my client.

14 MS. ANDREWS: Thank you.

15 **Q.** (BY MS. ANDREWS) Okay. Ms. Layton, if I ask  
16 you a yes-or-no question if you can respond with yes or  
17 no, to just answer the question I ask.

18 MS. REZAZADEH: Objection.

19 MS. ANDREWS: Are you trying to instruct  
20 your client now?

21 MS. REZAZADEH: I am objecting to you  
22 instructing her that she has to answer yes or no to your  
23 questions only; that is not appropriate.

24 MS. ANDREWS: I'm not instructing her. A  
25 yes or no question, I just need an answer.

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MS. REZAZADEH: I'm not -- That's fine. Go

ahead. You can ask her whatever you want.

**Q.** (BY MS. ANDREWS) And do you recognize the initials at the bottom of each and every page down here; are those your initials signing this document?

**A.** Yes.

**Q.** And do you know prior to filing this lawsuit, did you ever discuss your intent to no longer be treated as an independent contractor with any of the defendants?

**A.** No.

**Q.** Prior to filing this lawsuit, did you ever assert that they were not treating you like an independent contractor?

THE WITNESS: Am I allowed to elaborate?

MS. REZAZADEH: Yes, you're under oath. You can answer.

**Q.** (BY MS. ANDREWS) I ask you to just answer the question.

MS. REZAZADEH: Go ahead, Brooke. Answer how you feel you need to; you're under oath.

**A.** I don't recall specifically but know that I thought it. I don't know if I vocalized it.

**Q.** (BY MS. ANDREWS) Did they set your schedule?

**A.** Yes.

**Q.** Are you aware that's directly opposite of the

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response you had in your request for admission?

**A.** What was my response?

**Q.** The opposite. Like, so I'm confused now.

So you're now saying they did set your work schedule?

**A.** Am I able to see what the previous responses that you're talking about?

**Q.** I'd like --

MS. REZAZADEH: You are, actually, Brooke. Thank you.

Latrice, please show her the document you're referring to. She's asked to refresh her recollection and to see the document you're referring to. She's entitled to see it.

MS. ANDREWS: I don't have an obligation to do that now.

MS. REZAZADEH: If you want to ask her a question about it, then you need to show it.

THE REPORTER: I'm sorry. I can't take it down when you are both speaking at the same time. I'm sorry I just cannot.

MS. ANDREWS: Understood. We will try to slow down the overtalking.

**Q.** (BY MS. ANDREWS) Is it your testimony right now that they set your schedule?

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**A.** They --

**Each week before the next week of work, they came in. You had to work a -- what was considered a first of the week shift, which was a Saturday, Sunday or Monday during specific times. And then I was required to work three days the following week that I -- that schedule was set with them. And then if I did not work one of those days, if I did not work a first, I would automatically be charged \$100. If I did not work a fourth shift, I would also be charged \$100.**

**Q.** So you had the option of paying or working certain shifts?

**A.** I had to pay to work every shift. If I missed a shift, it also cost me \$100, so I tried not to miss any shifts so I wouldn't have to owe the club money.

**Q.** Speaking of that, did you get tips or get entertainment fees from working when you were dancing?

MS. REZAZADEH: Objection, form.

**A.** What is constituted as entertainment fees?

**Q.** (BY MS. ANDREWS) I believe it --

Did you work for free at the club?

**A.** No, I had to pay to work.

**Q.** Did you earn any money at the club?

**A.** Yes, the club had a standard set fee for \$20 per dances. They also had a set fee if -- for VIP.

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MS. ANDREWS: Objection, non-responsive.

MS. REZAZADEH: Go ahead and finish, Brooke.

**A.** They also had a fee for a Champaign Room, so there were multiple fees that the club did set that I was able to work with, that I had to work with what the club's standards were.

**Q.** (BY MS. ANDREWS) So my question was, did you earn money when you worked at the club?

**A.** Yes.

**Q.** If you did not earn money, would you have still worked there?

**A.** No.

**Q.** Did you lose money working at the club, or did you make more money working at the club?

MS. REZAZADEH: Objection, form.

**A.** All of that varies because there were days that I was literally going into work to pay my mandatory leave fee and my mandatory tip-out in order to not owe the additional \$100. So there would be days I would be leaving negative just so I wouldn't owe the club more money. On average, I was spending \$75 a shift -- \$76 a shift to work.

**Q.** (BY MS. ANDREWS) And how much were you making a shift?

**A.** Again, its varies. Sometimes I would leave

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1 **negative; sometimes a standard day may be, you know, I**  
 2 **leave with \$100. But there were many times that, again,**  
 3 **I didn't leave with any money; I paid the club money.**

4 Q. So your testimony is that you -- on average, you  
 5 paid \$100 a day?

6 A. **Again, it varies with the times that I would**  
 7 **leave negative to other times. It just depends on the**  
 8 **day. It literally just depended on the day.**

9 Q. Like any other business, correct?

10 A. **I don't know. Some -- I wouldn't say like any**  
 11 **other business. Most people know exactly what they're**  
 12 **leaving with and what they're making each week.**

13 Q. Employees, yes, but independent contractors, no,  
 14 correct?

15 MS. REZAZADEH: Objection, form.

16 Q. (BY MS. ANDREWS) What was the most you ever  
 17 made in a shift?

18 A. **I don't recall.**

19 Q. You don't remember the best days you ever had?

20 A. **One time, I made \$700, and that was a one-time**  
 21 **thing. And out of my years or like how long I was**  
 22 **working there, that was, again, a one-time thing so I**  
 23 **would not say that is the average or the norm.**

24 Q. So what is the average or norm?

25 MS. REZAZADEH: Objection, asked and

1 answered.

2 Go ahead, Brooke.

3 A. **Anywhere from 100 to \$200, and it really -- it**  
 4 **just depends. But again, I'm paying \$100. I'm paying**  
 5 **anywhere from 76 to \$100 to work.**

6 Q. (BY MS. ANDREWS) So you made or --

7 And you said you worked four shifts a week?

8 A. **Four shifts a week. Again, if I missed a shift,**  
 9 **then I owed the club money. In order to be able to work**  
 10 **there, they would put a hold --**

11 MS. ANDREWS: Objection, non-responsive.

12 A. **They would put a hold on your funds that you**  
 13 **would have to come in and pay before you could work**  
 14 **again.**

15 Q. (BY MS. ANDREWS) So you worked four shifts a  
 16 week on average, correct?

17 A. **That was mandatory, yes.**

18 Q. And how long was each shift?

19 A. **Each shift was eight hours. Often times, I**  
 20 **would leave early, and that would require a \$50 pay-out**  
 21 **to the club in order to leave early. I always got there**  
 22 **before 11, and I usually left around 5 because it just**  
 23 **wasn't conducive for my mental health to continue**  
 24 **working into the later part. So I would pay \$50 to**  
 25 **leave, and then I had a mandatory \$26. \$10 to the house**

1 **mom, \$10 to the DJ, 6 to the bar that I had to pay every**  
 2 **shift, regardless.**

3 Q. Do you think it's odd that you remember all of  
 4 this but you don't remember how much money you would  
 5 make on average?

6 MS. REZAZADEH: Objection, form.

7 A. **No, I don't think it's odd.**

8 Q. (BY MS. ANDREWS) Okay. And how long is -- The  
 9 normal shift that you worked was how long?

10 A. **Six hours. But again, it was required to work**  
 11 **eight if I didn't want to have to pay to leave. So it**  
 12 **was a mandatory eight-hour shift, and it was \$50 to**  
 13 **leave before then, which there was no way around that.**  
 14 **I paid it to the house, went up to the front to get my**  
 15 **ticket, had to have mom sign off on it and the DJ, then**  
 16 **I was able to leave at that point.**

17 Q. Okay. So just so that I understand your  
 18 testimony, you're saying that on average you made 100  
 19 and \$200 a night, correct?

20 A. **During the day, I was a daytime worker.**

21 Q. Okay. And you're saying that you worked on  
 22 average four shifts per week, correct?

23 A. **Yes.**

24 Q. And you're saying on average that your shifts  
 25 were six hours?

1 A. **Give or take, yes. There were days I worked a**  
 2 **fifth shift because management would say that if you**  
 3 **worked an additional shift that they would be willing to**  
 4 **forgo any fees and penalties that you had accrued, which**  
 5 **they were still getting \$75 even if I did work the next**  
 6 **day. The \$76 dollars never changed.**

7 Q. So you're saying:

8 -- Your testimony is on average you worked  
 9 24 hours a week, correct?

10 A. **Twenty-four to 32 hours a week.**

11 Q. You testified six hours on average, and you  
 12 testified four shifts a week on average, correct?

13 A. **Yes, and that varies.**

14 Q. Okay. And you're testifying that you would  
 15 leave with 100 to \$200 each shift, correct?

16 A. **Yes.**

17 MS. REZAZADEH: Objection, form.

18 Q. (BY MS. ANDREWS) Is it your testimony that on  
 19 average you would receive 100 to \$200 per shift?

20 MS. REZAZADEH: Objection, form.

21 A. **Again, it all depends on who was in the club**  
 22 **that day, how many workers there were, the competition,**  
 23 **if anyone was at the club. Again, it really depends**  
 24 **because there would be days that I left negative.**

25 Q. (BY MS. ANDREWS) So on average, being taking in

1 all of the variations, what is your testimony that you  
2 made each shift?

3 MS. REZAZADEH: Objection, form.

4 **A. I thought I already answered that.**

5 **Q.** (BY MS. ANDREWS) I thought you did, but now  
6 it's changing, so I'm trying to make sure I understand  
7 your testimony. So I keep asking you on average, it was  
8 100 to \$200 a shift. And then you keep saying it  
9 varied. So I'm saying what it means -- to mean on  
10 average is when you take into account all of the  
11 fluctuations, this is what we're normally at.

12 So I'm trying to find out on average how  
13 much are you saying that you took home?

14 **A. 100 to \$200.**

15 MS. REZAZADEH: Objection, form.

16 THE WITNESS: Can we take a break?

17 MS. ANDREWS: Sure.

18 MS. REZAZADEH: Sure.

19 MR. ANDREWS: Five minutes, ten minutes?

20 **Back on at 11?**

21 **MS. REZAZADEH: Sure.**

22 **THE REPORTER: Going off of the record at**

23 **10:54.**

24 **(Recess taken)**

25 **THE REPORTER: Going back on the record at**

**BROOKE LAYTON November 2, 2021**

**37**

1 **11:06.**

2 **Q.** (BY MS. ANDREWS) With regard to your criminal  
3 history background, do you have any arrests?

4 **A. No.**

5 **Q.** Have you been involved in any other lawsuits?

6 **A. No.**

7 **Q.** Arbitrations?

8 **A. No.**

9 **Q.** Have you made any other demands under the FLSA?

10 **A. No.**

11 **Q.** Have you ever been sued?

12 **A. No.**

13 **Q.** Did you create your own choreography when you  
14 worked at the club?

15 **A. Can you elaborate on that?**

16 **Q.** Did you have choreography when you performed at  
17 the club?

18 **A. No.**

19 **Q.** So you didn't create your own choreography?

20 **A. No, I danced to whatever music I was given.**

21 **Q.** Did you prepare or review the request for  
22 admission responses?

23 **A. Do you have a copy of those?**

24 **Q.** I do. I'm just asking, did you prepare or  
25 review the admission responses?

1 MS. REZAZADEH: Latrice, she would like to  
2 see a copy of document you're asking her if she  
3 reviewed. She is entitled to see it or else she can't  
4 answer your question.

5 MS. ANDREWS: If she says she doesn't know,  
6 then that's fine too.

7 MS. REZAZADEH: No, if she asks you to see a  
8 document you're asking her about; you're required to  
9 show it to her.

10 MS. ANDREWS: I'm just asking if she did or  
11 didn't. If she says she doesn't know --

12 MS. REZAZADEH: She can't answer your  
13 question unless you show her the document she  
14 specifically requested you're asking about, and she  
15 asked you to see so she knows that she's talking about  
16 the right document. Not everybody knows what request  
17 for admission or request for production, off the top of  
18 their head.

19 MS. ANDREWS: I understand that. I'm just  
20 trying to figure out the truth here.

21 MS. REZAZADEH: Perfect. Then show her the  
22 document, and you'll get the truth. She asked you to  
23 show her the document. So --

24 MS. ANDREWS: I'm going to move on to my  
25 next question.

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1 MS. REZAZADEH: Perfect.

2 **Q.** (BY MS. ANDREWS) Did you or did you not create  
3 your own choreography?

4 MS. REZAZADEH: Objection, asked and  
5 answered.

6 Go ahead, Brooke.

7 **A. I've already answered that.**

8 MS. REZAZADEH: Go ahead. You can answer  
9 for her.

10 **A. I did not create choreography; it was whatever**  
11 **music I was given to dance to.**

12 **Q.** (BY MS. ANDREWS) Okay. Do you have any  
13 background or training in dance?

14 **A. I was a Burlesque performer, so yes.**

15 **Q.** Where were you a Burlesque performer?

16 **A. With Her, H-E-R, Sins Burlesque & Cabaret.**

17 **Q.** And when was this?

18 **A. Since 2013.**

19 THE REPORTER: I'm sorry. Could you repeat  
20 the name of the place

21 **A. Her, H-E-R, Sins Burlesque & Cabaret.**

22 **Q.** (BY MS. ANDREWS) And when did you stop working  
23 there?

24 **A. I still work with Her Sins Burlesque & Cabaret**

25 **using the name Shirley Poisin.** SUPP APPX 182

1 Q. And you deactivated that Instagram account?

2 A. **I do not have access to that account.**

3 Q. It's deactivated, correct?

4 A. **Yes.**

5 Q. And you just didn't port the login information  
6 to your new phone, correct?

7 MS. REZAZADEH: Objection, form.

8 A. **I have not logged on to that account since I've  
9 had my new phone.**

10 Q. (BY MS. ANDREWS) You could get the login  
11 information, correct?

12 MS. REZAZADEH: Objection, form.

13 A. **I don't know.**

14 Q. (BY MS. ANDREWS) Have you tried to get the  
15 login information?

16 A. **No, I've also deleted all photos before I  
17 deactivated that account. I deleted all photos from  
18 that account.**

19 Q. When did you --

20 Why did you delete all of your photos and  
21 deactivate all of your social media accounts?

22 A. **Because I'm a Realtor, and it was not conducive  
23 to my work now.**

24 Q. But you're also still a Burlesque dancer?

25 A. **Yes, I didn't perform for 18 months. I just**

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1 **recently performed under Shirley Poisin this past  
2 weekend. But I did not promote that on any form of  
3 social media page.**

4 Q. At the time you deleted all of your social media  
5 photos and potential evidence in this case, were -- had  
6 you consulted attorneys about filing this case?

7 MS. REZAZADEH: Objection, form.

8 A. **No.**

9 Q. (BY MS. ANDREWS) Do you still have your old  
10 phone?

11 A. **Possibly, but I'm unsure of where it would be.**

12 Q. Is your data stored on a cloud?

13 A. **No. I previously had an Android phone.**

14 Q. What's your e-mail address?

15 A. **For what?**

16 Q. Well, what are your e-mail addresses?

17 A. **Kimberfoxrealestate@gmail.com and Kimberlayton  
18 -- L-A-Y-T-O-N -- 921@gmail.com.**

19 Q. Are your photos backed up automatically on  
20 Google Photos since it's an Android?

21 A. **No.**

22 Q. Is it your testimony that you have no photos or  
23 videos from prior to 2019 in your possession, custody  
24 and control?

25 MS. REZAZADEH: Objection, form.

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1 A. **Correct, everything that I had, I sent to my  
2 attorney; everything that I could find, I sent to my  
3 attorney.**

4 Q. (BY MS. ANDREWS) Except for your tax returns,  
5 correct, and bank statements?

6 A. **Can you show me the form that was asking for  
7 those.**

8 Q. But to be clear, you did not provide your tax  
9 returns?

10 A. **Again, can I see where it was asking for those?**

11 Q. I'm asking that. I'm just asking you if you  
12 provided them or not.

13 MS. REZAZADEH: That's fine, Brooke, go  
14 ahead; you can answer whatever you recall.

15 A. **I don't know.**

16 Q. (BY MS. ANDREWS) Okay. And it was requested  
17 for production number 3 that I asked for all tax returns  
18 but.

19 A. **Again, can I see that document?**

20 Q. All right. I think you previously testified you  
21 didn't provide it, but that's -- I don't know why  
22 we're --

23 A. **You keep asking, so I just want to make sure  
24 that I'm recalling correctly.**

25 Q. You said that you didn't give them, so if you

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1 didn't give them, you didn't give them. I haven't  
2 received anything.

3 MS. REZAZADEH: She testified that --

4 MS. ANDREWS: All the tax returns and  
5 schedules.

6 MS. REZAZADEH: You can have the court  
7 reporter read it back. She actually testified. You're  
8 misstating her testimony. What she said was she wasn't  
9 sure. First she said I thought I did, maybe I didn't; I  
10 don't know now.

11 MS. ANDREWS: I'm talking about when I asked  
12 her this the first time.

13 MS. REZAZADEH: Yeah, that's what I'm  
14 talking about, too. You can have the court reporter  
15 read it back if you like.

16 MS. ANDREWS: I just want to get questions  
17 answered and be done but.

18 MS. REZAZADEH: Move on.

19 BY MS. ANDREWS: Okay. I don't know why  
20 this is --

21 Q. (BY MS. ANDREWS) Okay. And is it your  
22 testimony that you did receive money for performing at  
23 the club?

24 A. **Not from the club; from the customers, yes. The  
25 club never paid me.**

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1 Q. So is it your testimony that you received money  
2 for dancing at the club?

3 MS. REZAZADEH: Objection, asked and  
4 answered.

5 MS. ANDREWS: She rephrased my question, so  
6 she hasn't actually answered the question.

7 A. **Can you elaborate on your question? If you're**  
8 **referring to did the club pay me or did I receive money**  
9 **from the clients at the club?**

10 Q. (BY MS. ANDREWS) I'm just asking at all. Did  
11 you receive money at all based upon your performances at  
12 the club?

13 MS. REZAZADEH: And she answered you. So  
14 why are you asking her again? Because she didn't say it  
15 the way you like. Like, she's not going to change her  
16 answer for you. This isn't going to go on.

17 Go ahead, Brooke, just answer her the same  
18 question again and again.

19 A. **I never received money from the club, but I did**  
20 **receive money from the clients at the club; the club**  
21 **never paid me.**

22 Q. (BY MS. ANDREWS) Did you do any kind of  
23 practicing for any of the performances that you had?

24 A. **No.**

25 Q. **Did you use any of your skills from your history**

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1 **or training in Burlesque dancing at the club?**

2 A. **Yes.**

3 Q. Can anybody be an exotic dancer?

4 A. **Anyone can if they get hired by the club.**

5 **There's no required skill set for the club to hire you**  
6 **other than looking attractive.**

7 Q. Can you be earn money doing it if you're without  
8 any specific skills?

9 A. **Yes, absolutely.**

10 Q. Do you have to know how to manage money?

11 A. **No.**

12 MS. REZAZADEH: Objection, form.

13 Q. (BY MS. ANDREWS) Do you have to know how to  
14 charge and the amounts to charge certain individuals?

15 A. **Again, these were guidelines; it was the**  
16 **standard. The club required \$20 per dances -- was what**  
17 **everyone had to charge.**

18 Q. Do you recall --

19 So your testimony now is that the club set  
20 all prices, is that correct, for the dances?

21 MS. REZAZADEH: Objection, form.

22 A. **For the dances, yes, they -- The standard was a**  
23 **\$20 dance; you were not allowed to charge more.**

24 Q. (BY MS. ANDREWS) I'm just -- Okay.

25 Did you report all the income that you

1 received from club in your -- on your tax returns?

2 MS. REZAZADEH: Objection, form.

3 Go ahead, Brooke, you can answer.

4 A. **Yes, but I also recorded all of my losses on my**  
5 **tax returns as well.**

6 Q. (BY MS. ANDREWS) So what deductions did you  
7 take on your losses on your tax returns?

8 A. **Fees paid to the club, as well as any outfits or**  
9 **dance materials required for the club.**

10 Q. Did you deduct, like, hair/makeup?

11 A. **Not if those were things I was using outside of**  
12 **the club.**

13 Q. So sometimes?

14 MS. REZAZADEH: Objection, form.

15 A. **If it wasn't used inside the club specifically,**  
16 **then no.**

17 Q. (BY MS. ANDREWS) If it was used inside the  
18 club, did you deduct for hair and makeup?

19 MS. REZAZADEH: Objection, form.

20 A. **No.**

21 Q. (BY MS. ANDREWS) Then why did you say that you  
22 -- So your testimony is that you did not take any  
23 deductions for hair and makeup on your tax returns?

24 A. **Correct.**

25 Q. And then you mentioned materials; what kind of

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1 materials did you take deductions for?

2 A. **Outfits, shoes.**

3 Q. Have you had cosmetic surgery?

4 A. **No.**

5 Q. Botox?

6 A. **No.**

7 Q. Any other injections?

8 A. **Any injections that I have received were when I**  
9 **wasn't working at the club anymore.**

10 Q. Did you adver -- Do you have any expenses for  
11 advertising, social media, yourself phone that deducted?

12 A. **I deducted my cell phone, but that was just so I**  
13 **could communicate with clients. Like, hey, I'm coming**  
14 **in today; can you come see me?**

15 Q. What about any advertising expenses?

16 A. **No.**

17 Q. Did you select the music that you wanted to be  
18 played when you were dancing?

19 A. **No, you can give a genere, and that was it. The**  
20 **DJ chose all the music we danced to.**

21 Q. So it's not correct to say that you had to pay  
22 the DJ for certain music?

23 A. **I had to pay the DJ a \$10 tip-out to leave. But**  
24 **if a client wanted to hear certain music, then they**  
25 **could pay the DJ \$20 to hear that music.**



1 Q. So you didn't have to pay the DJ for certain  
2 music to be played?

3 A. Correct.

4 Q. Was there a maximum amount you could charge for  
5 a lap dance?

6 A. No, \$20 was the rate. We weren't allowed to  
7 solicit tips or charge more for dances.

8 Q. What's the relationship or --  
9 When you would deduct the outfits, how would  
10 you select these outfits?

11 A. I would go to the dancer store and buy outfits  
12 that fit the club. We were not allowed to wear any  
13 fishnets or anything like that. We were also required  
14 on certain days every month that there would be a  
15 costume day, and if you did not show up in the costume  
16 that was suitable to the club, you would not be allowed  
17 to work and a day would be deducted against you.

18 Q. Did you have head shots done in 2018/2019?

19 A. No.

20 Q. Were you working with a photographer in 2018 and  
21 2019?

22 A. That's right around the time that I was stopping  
23 modeling as much, but I never had head shots. They were  
24 always studio set body shots.

25 Q. And were you paying for those?

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1 A. No.

2 Q. Who was paying for those?

3 A. No one. It was a trade between me and the  
4 photographer.

5 Q. Who was the photographer?

6 A. There was many; I don't recall.

7 Q. Well, can you name any?

8 A. 2018, so Sisoliz Images, S-I-S-O-L-I-Z, and that  
9 was for Pinup Modeling.

10 Q. And you were with Pinup Modeling in 2018 and  
11 2019, correct?

12 A. Yes, I have been a Pinup model since 2013, but I  
13 would not go in Pinup attire in the club.

14 Q. You claim that the club took a portion of tips  
15 -- of your tips; explain that to me.

16 A. It was mandatory tip-out of before you leave,  
17 you had to do a mandatory \$26 tip-out, \$10 to mom, \$10  
18 to the DJ, \$6 to the bar; that was mandatory every  
19 shift.

20 Q. So you paid out funds not to the club, but to  
21 the DJ, the house mom and the bar, correct?

22 A. To employees of the club, yes, I paid out \$26  
23 every shift.

24 Q. Do you know whether or not the house mom and the  
25 DJ and the bar that you were tipping were employees?

1 A. I assume since they weren't dancers that they  
2 were employees.

3 Q. Okay. It was your assumption that they are  
4 employees, correct?

5 A. Correct.

6 Q. Is your testimony that it took no skills to be  
7 -- to do what you did?

8 A. Yes, you just had to look good naked.

9 Q. With regard to the attorney's fees incurred in  
10 this case, have you had to pay any?

11 MS. REZAZADEH: Objection, form.

12 A. No.

13 Q. (BY MS. ANDREWS) Do you know how much you owe  
14 in attorney's fees?

15 A. No.

16 Q. Do you know the extent of the costs that have  
17 been incurred in this case?

18 A. No.

19 Q. Have you received any invoice or billing  
20 statement related to this case?

21 A. No.

22 Q. Is it your understanding that this is a  
23 contingency case?

24 A. I believe so, yes.

25 Q. Is it your understanding that you don't have to

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1 pay anything unless you win or get a settlement?

2 A. Correct.

3 MS. REZAZADEH: Objection, form.

4 A. That is correct.

5 Q. (BY MS. ANDREWS) And prior to filing this  
6 lawsuit, you never reached out to claim that you were an  
7 employee or reached out to the club to claim that you  
8 were an employee, correct?

9 MS. REZAZADEH: Objection, form.

10 A. Can you repeat the question? I'm sorry.

11 Q. (BY MS. ANDREWS) So rather than talking to the  
12 club first, you just filed a lawsuit claiming you're an  
13 employee, correct?

14 MS. REZAZADEH: Objection, form.

15 A. I never brought this to the owner's attention.  
16 I remember a conversation once with mom of just asking  
17 in general if -- just bringing up, are we employees or  
18 independent contractors, because I had been sent home  
19 for not wearing the mandatory outfit.

20 Q. (BY MS. ANDREWS) And again, did you ever bring  
21 this to the club owner's attention?

22 A. No, I was fearful of being fired during the  
23 time.

24 Q. What other clubs have you worked at?

25 A. During my time at PT's, I had a couple of months

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1 of breaks where I worked at the Mens Club in Dallas;  
 2 that was not suitable for me, so I tried Bucks Cabaret  
 3 in Dallas. After the Mens Club, I tried to go back to  
 4 PT's, and that's when they told me that I owed \$300. So  
 5 at that point in time, I went to a different club, which  
 6 was Bucks Wild in Dallas.  
 7 Q. When did you stop or leave PT's and start going  
 8 to Mens Club?  
 9 A. I was maybe at Mens Club from maybe just July  
 10 and August.  
 11 Q. Of 2000 --  
 12 A. -- of 2019.  
 13 Q. Okay. When were you at Bucks Cabaret?  
 14 A. After I left PT's Mens Club in January, so I  
 15 started working at Bucks in January of 2020.  
 16 Q. Have you sued these clubs, too?  
 17 A. No, I did not work there long enough. They also  
 18 didn't have a mandatory fee to leave or a required  
 19 tip-out.  
 20 Q. And where are you --  
 21 Are you working at any clubs now?  
 22 A. No, I haven't worked at any clubs since March of  
 23 2020.  
 24 Q. So can you describe what you did when you were  
 25 working at -- we'll start at PT's; what did you do?

1 A. I entertained guests or customers that came in.  
 2 Q. How?  
 3 A. By dancing.  
 4 Q. And how would you --  
 5 Was there any way that you would make more  
 6 or less money?  
 7 A. By providing more dances.  
 8 Q. And how could you provide more dances?  
 9 A. By the client asking for more dances.  
 10 Q. Is it your testimony that you didn't receive any  
 11 tips?  
 12 A. I received tips while on stage, and sometimes  
 13 walking through the club, people that were tipping would  
 14 give you a dollar or two.  
 15 Q. How much would you normally receive in just the  
 16 tips each night?  
 17 A. Again, I was a daytime worker so tips weren't as  
 18 lucrative as they would have been at night, so.  
 19 Q. How much did you receive in tips during your  
 20 shift?  
 21 A. Average 20 to \$30.  
 22 Q. Did you engage in any inappropriate conduct  
 23 while working at the club?  
 24 A. No.  
 25 Q. Were you involved in using drugs?

1 A. No.  
 2 Q. Were you involved in illegal sexual activities?  
 3 A. No.  
 4 Q. Did you work over 40 hours a week?  
 5 A. When?  
 6 Q. Well, you've got a claim for overtime, so I'm  
 7 trying to figure out how.  
 8 So did you work more than 40 hours in a  
 9 week?  
 10 A. Can I see what you're referencing?  
 11 Q. Did you -- I'm just asking did you work -- like,  
 12 did you work more than 40 hours a week?  
 13 MS. REZAZADEH: Again, Latrice, when she  
 14 asks to see a document you're referring to --  
 15 MS. ANDREWS: I'm not referring to a  
 16 document. I'm asking her her recollection.  
 17 MS. REZAZADEH: She wants to see the  
 18 document. I mean, I just want to make it clear for the  
 19 record that you have repeatedly declined her request to  
 20 see documents you're specifically asking her about, so,  
 21 you know, that's fine. That's how you want to obtain  
 22 your testimony from her by misleading her or not  
 23 providing her all the information she needs to answer  
 24 your questions, but I just want to make it clear for the  
 25 record.

1 Go ahead, Brooke, she's not going to show it  
 2 to you.  
 3 Q. (BY MS. ANDREWS) I'm asking a question. If you  
 4 worked more than 40 hours a week. That's my question.  
 5 It's not about a document. I'm asking a question.  
 6 MS. REZAZADEH: You brought in the document  
 7 into question by saying you made a claim for it. And  
 8 she asked to see the document you're referring to that  
 9 she made the claim for it. So you --  
 10 MS. ANDREWS: If she's not making a claim  
 11 for it, then I don't need to worry about it.  
 12 MS. REZAZADEH: All right.  
 13 Q. (BY MS. ANDREWS) My question is do you claim  
 14 that you worked 40 hours a week or more than 40 hours a  
 15 week?  
 16 A. So again, you said that that is one of the  
 17 claims that is in this case, and I would just like to  
 18 verify that claim, a claim for over -- for overtime.  
 19 Q. Did you work overtime?  
 20 A. On average, I worked 32 hours a week. But  
 21 again, that varies on how long I stayed. If I came in  
 22 for additional shifts. There would be some days that I  
 23 worked six days; there would be some days I would go in  
 24 and work all seven days.  
 25 Q. Are you aware you just changed your testimony

1 again?

2 MS. REZAZADEH: Objection, form,  
3 argumentative, I mean.

4 Q. (BY MS. ANDREWS) Are you aware that you just  
5 changed your testimony regarding the amount of hours you  
6 said you worked on average?

7 MS. REZAZADEH: She did not, so I don't know  
8 why you're misstating the record. She said the same --

9 MS. ANDREWS: That's not an objection.  
10 That's not true. She testified in here that she worked  
11 24 hours or worked an average of 24 hours, 32 hours --  
12 shifts.

13 MS. REZAZADEH: We can pull it back on the  
14 record. You can have the court reporter read it back to  
15 you. Is 24 to 32 is what she said. So if you're going  
16 to nitpick on it, she said the number 32 earlier. So  
17 she is not changing her testimony as you are  
18 misrepresenting to her. And she's entitled to know.

19 A. **At that time, I wasn't being asked about**  
20 **overtime as well. And again, all of these are averages,**  
21 **so there would be days that I did work more. On**  
22 **average, it was required that I had to work at least**  
23 **four shifts or I would owe the club money. But often**  
24 **times if I had missed a week before or missed a shift**  
25 **before or missed a first, the club would require that I**

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1 **came in for an additional shift or additional shifts in**  
2 **order to forgo that \$100 that I owed them or sometimes**  
3 **more money.**

4 Q. (BY MS. ANDREWS) What are you claiming your  
5 damages are in this case?

6 A. **I haven't calculated any damages.**

7 Q. How much are you --

8 It's your testimony that you don't know how  
9 much you're owed?

10 A. **Correct.**

11 Q. How do you plan on coming up with the amount  
12 that you're allegedly owed?

13 A. **By discussing with my attorney. This was not**  
14 **something that we prepared ahead of time. We didn't sit**  
15 **down and write all of this down together.**

16 Q. You're suing for money, correct?

17 A. **Yes.**

18 Q. You want money?

19 A. **Correct. Money that is owed to me under the law**  
20 **of what being -- money that is owed for me being**  
21 **misclassified as an independent contractor whenever I**  
22 **was doing employee based work.**

23 Q. I understand that's your allegation. But you're  
24 saying you don't know how much money you want, correct?

25 MS. REZAZADEH: Objection, form.

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1 A. **That is correct. I answered that.**

2 Q. (BY MS. ANDREWS) Do you have a calendar or any  
3 records of time that you're saying that you worked at  
4 the club?

5 A. **No, but the club keeps diligent records, so you**  
6 **would have all of those records.**

7 Q. It is your testimony that you recall having to  
8 sign in or sign out?

9 A. **I had to sign in every day and I had to sign out**  
10 **every day to leave.**

11 Q. And in those times and those time records would  
12 be accurate, correct?

13 MS. REZAZADEH: Objection, form.

14 A. **It depends on what records the club has kept and**  
15 **also what records they have provided to you.**

16 Q. (BY MS. ANDREWS) How would you know if they  
17 were accurate or not?

18 A. **Based off of me signing in and providing the**  
19 **last four digits of my social with my stage name.**

20 Q. And how were you paid by customers for the  
21 dances that you provided?

22 A. **Cash.**

23 Q. Who would know how much money you would make a  
24 night other than you?

25 A. **I wouldn't know that.**

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1 Q. **Have you kept any record of exactly how much**  
2 **money you made while working at the club?**

3 A. **No.**

4 Q. **Did you understand that that was part of the**  
5 **contract or an obligation that you had under the**  
6 **contract?**

7 A. **Again, no one went over the contract with me.**  
8 **No one told me that -- it wasn't like an introduction to**  
9 **independent contractor class that they sat everyone down**  
10 **and said these are the requirements. Those were not**  
11 **enforced. So if it was in the contract that I signed,**  
12 **no one enforced it and no one made sure that that's what**  
13 **we were doing.**

14 Q. What did the club, I guess, do for you such that  
15 you thought it was a good idea to keep coming back?

16 A. **It wasn't the club; it was the clients and the**  
17 **potential to make money. There's also not a lot of day**  
18 **shifts in the Dallas-Fort Worth area that are lucrative**  
19 **such as PT's. Most daytime clubs, there's no activity**  
20 **or most clubs during the daytime, there is no activity.**

21 Q. So it was lucrative to work there?

22 A. **Lucrative to my survival, yes.**

23 Q. And what do you mean by "potential to make  
24 money"?

25 A. **Again, it depends on how well the club**

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1 **advertised, what promotions the club did to bring**  
 2 **customers in. But just going in on a day shift, you**  
 3 **were more likely to have more people; that didn't**  
 4 **necessarily mean those people were tipping or buying**  
 5 **dances from you.**

6 **Q.** Did you make a determination that you had the  
 7 potential to make more money at PT's than other clubs in  
 8 town?

9 **A.** PT's hired me, so that's where I stayed to work.  
 10 **Again, I tried working at other clubs during the day,**  
 11 **and that was not -- there wasn't money there. So PT's**  
 12 **is where I did my day shift. I also tried to get hired**  
 13 **at another club that would not hire me because I have**  
 14 **tattoos. So my options were very limited.**

15 **Q.** So it's your testimony you made more money at  
 16 PT's than you did at Mens Club, correct?

17 **A.** Correct.

18 **Q.** How much money did you make at Mens Club?

19 **A.** I didn't. I would go multiple days without  
 20 making any money whatsoever.

21 **Q.** What about at Bucks Cabaret?

22 **A.** That's why I left PT's was because Bucks had a  
 23 better daytime shift.

24 **Q.** You're able to move around like that from job to  
 25 job, correct?

1 **A.** You're not allowed to work at other clubs for  
 2 the same shift. Because again, PT's has a standard four  
 3 days that you have to work, potentially more, so it  
 4 doesn't really leave room to work at other clubs while  
 5 working at PT's.

6 **Q.** Who have you talked to regarding this lawsuit?

7 **A.** My attorney, my husband knows. I had mentioned  
 8 to one person that there may be a lawsuit, someone else  
 9 that had let me know that they were already part of a  
 10 lawsuit against PT's.

11 **Q.** And who was that person?

12 **A.** Julia Predmoore. But I'm not familiar with that  
 13 case.

14 **Q.** And when did you have this discussion?

15 **A.** A few months ago.

16 **Q.** And what did y'all talk about specifically?

17 **A.** She had actually asked me if I would be  
 18 interested in joining a lawsuit that her lawyer set, and  
 19 I never got back to her.

20 **Q.** Do you understand that this was filed as a  
 21 collective action?

22 **A.** Yes, I believe that Julia has also spoken with  
 23 Ghazzaleh now, but I don't know if they've made contact.  
 24 I'm not sure because I don't know what other clients  
 25 Ghazzaleh has.

1 **Q.** Are you aware that there's a collective action  
 2 waiver that you signed?

3 **A.** May I see the document? Is this my --

4 **Q.** See understands and agrees -- Understands and  
 5 acknowledges, do you see that paragraph?

6 **A.** Yes. At the time, that's not what I realized I  
 7 was signing. And again, I didn't join the lawsuit with  
 8 Julia Predmoore, and I don't know if she's part of this  
 9 one.

10 **Q.** But you understand this is a collective action,  
 11 correct?

12 **A.** If I'm the only one, is it a collective action?

13 **Q.** Is it your understanding you're the only person  
 14 in this lawsuit?

15 **A.** Yes.

16 **Q.** Do you know who Ashland Shipley is?

17 **A.** Yes, but I don't know anything -- I don't know  
 18 if she's actually joining the lawsuit and will go  
 19 through with it.

20 **Q.** Have you spoken to Ashland Shipley?

21 **A.** I let her know that this was happening, and that  
 22 was as far as it got.

23 **Q.** Have you solicited any other individuals to join  
 24 your lawsuit?

25 **A.** No.

1 **Q.** What else did you say about this lawsuit?

2 MS. REZAZADEH: Objection, vague.

3 MS. ANDREWS: That's fair.

4 **Q.** (BY MS. ANDREWS) What else did you tell Ashland  
 5 about this lawsuit?

6 MS. REZAZADEH: Objection, misstates  
 7 testimony.

8 Go ahead, Brooke, you can answer.

9 **A.** Again, I didn't really tell her anything. I  
 10 just told her that there's a potential lawsuit going on.  
 11 But I, again, don't know how far she is in her process  
 12 with this. And since all this has become more serious,  
 13 I haven't really talked with her, not about this  
 14 lawsuit.

15 **Q.** (BY MS. ANDREWS) When did you speak with her?

16 **A.** In regards to this lawsuit?

17 **Q.** Yes.

18 **A.** Maybe like two months ago.

19 **Q.** Have you spoken with her about anything else  
 20 since then?

21 MS. REZAZADEH: Objection, vague, too  
 22 general.

23 **Q.** (BY MS. ANDREWS) Have you spoken with Ashland  
 24 at all since your conversation two months ago?

25 **A.** I asked her if she had any photos of us when we

1 **were working together.**

2 **Q.** And what was her response?

3 **A.** **She never sent me any, so.**

4 **Q.** How did you reach out to her?

5 **A.** **I called her, messaged her; I'm not sure.**

6 **Q.** Did you produce any of those communications to  
7 your attorney?

8 **A.** **No, I wasn't asked to.**

9 **Q.** Request for production number -- do you know --

10 What do you know about Mainstage Management,  
11 Inc.?

12 **A.** **Based off the lawsuit, that is the company that**  
13 **owns PT's. Before that, I had no knowledge about the**  
14 **company.**

15 **Q.** It's not the entity that owns PT's.

16 Do you know of anybody at Mainstage  
17 Management, Inc. that hired or fired or had any  
18 involvement with your tenure there?

19 **A.** **I'm assuming the owner Nick, but no.**

20 **Q.** Do you --

21 **A.** **I don't know -- I don't know if people were**  
22 **employees of Mainstage that also controlled my work. I**  
23 **wasn't privileged to that information.**

24 **Q.** Do you have any information regarding Mainstage  
25 Management, Inc. that would make you think or that makes

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1 you think they were involved in setting your rate of pay  
2 or hiring and firing or anything related to your  
3 relationship with PT's?

4 **A.** **I'm not sure who set the club standard of the**  
5 **\$20 plus the 50 or the \$76 that was mandatory. Again, I**  
6 **don't know the inner workings of the club on that level,**  
7 **so that information was not readily available to the**  
8 **workers.**

9 **Q.** So to be clear, you do not have any information  
10 about Mainstage Management, Inc. and it being involved  
11 with your employment or alleged employment?

12 MS. REZAZADEH: Objection, form.

13 **A.** **Again, I wasn't given that information.**

14 **Q.** (BY MS. ANDREWS) And since the filing of this  
15 lawsuit, have you become aware of any information that  
16 makes you think Mainstage Management, Inc. was involved  
17 with the hiring and firing, setting any practices or  
18 involved with your relationship with the club?

19 **A.** **Who owns the club? And if Mainstage isn't the**  
20 **person that owns the club or the entity that owns it,**  
21 **then I don't know why I would have information from**  
22 **them, I guess. So do they own PT's?**

23 **Q.** That's part of why I'm trying to find out why  
24 they're in the case. So that's why I'm asking if  
25 there's a reason that --

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1 MS. REZAZADEH: If you're presenting that  
2 there's another entity that owns the club that we're  
3 discussing, then you should have identified them in your  
4 disclosures, right, potential parties. So the defendant  
5 owns the club.

6 Brooke, just answer based on what you  
7 remember because you can't rely on what she's telling  
8 you. I mean, so I'm just going to recommend. I mean  
9 she won't show you the documents either, so.

10 **A.** **I -- Again, I was not aware that Mainstage was**  
11 **involved with PT's, so I do not have that information.**  
12 **But is PT's owned by Mainstage Entertainment?**

13 **Q.** (BY MS. ANDREWS) So you don't know what  
14 Mainstage Entertainment is?

15 **A.** **I'm sorry. What was that?**

16 MS. REZAZADEH: Talking about the owner of  
17 the club. Answer the questions based on whoever the  
18 owner of the club is even though we don't -- she's not  
19 going to clarify for you who is the owner and who is  
20 not, so all you can do is answer.

21 **Q.** (BY MS. ANDREWS) Will you identify any of the  
22 managers and/or people that you know were involved with  
23 setting these policies or fees or the basis of your  
24 claims.

25 **A.** **Are you asking if I know which managers I worked**  
1 **with?**

2 **Q.** Can you identify -- if you can identify the  
3 people who were involved in hiring, firing day-to-day?

4 **A.** **The manager that was there most consistently was**  
5 **Jessie. I don't know his last name. And I only**  
6 **remember his name because there was multiple Jessie's**  
7 **that worked at the club.**

8 **Q.** Okay.

9 THE WITNESS: Would we be able to take  
10 another break? I'm sorry.

11 MS. ANDREWS: Sure.

12 (Recess taken)

13 THE REPORTER: Going back on the record.

14 **Q.** (BY MS. ANDREWS) Ms. Layton, are you aware of a  
15 counter-claim having been filed in this case?

16 **A.** **Like a claim from the people that you represent?**

17 **Q.** Correct.

18 **A.** **I believe so, yes.**

19 **Q.** Okay. I'm going to try to share my screen.

20 Okay. Do you have records of how much money you made  
21 when you were working at the club?

22 **A.** **No.**

23 **Q.** Do you have any accurate or reliable information  
24 regarding the entertainment fees you made while you were  
25 working at the club?

1 A. **No.**

2 Q. Okay. Do you recall testifying earlier about  
3 there being sign-in sheets?

4 A. **Yes, that is correct.**

5 Q. Okay. I'm going to open -- Let me share my  
6 screen. If I can get it to rotate. Let's see what  
7 happens when I press this; no, that did not do it.  
8 There we go.

9 Are these kind of the type of sign-in sheets  
10 that you were discussing?

11 A. **Yes, these are the sign-in sheets for the club  
12 while I was working there.**

13 Q. And can you tell me how this was used?

14 A. **It was used for the club's records to verify  
15 that you worked your required shifts, as well as what  
16 time you clocked in and clocked out.**

17 Q. Okay. And the first timesheet they have for you  
18 is --

19 MS. ANDREWS: And this will be marked as  
20 Exhibit 8. And I'm going to go back and try to fill in  
21 all my exhibits really fast.

22 (Defendant's Exhibit No. 8 was marked.)

23 Q. (BY MS. ANDREWS) So the first timesheet they  
24 actually have you coming in would be on July 15, 2018?

25 MS. REZAZADEH: Has that been produced?

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1 MS. ANDREWS: I actually got them today or  
2 yesterday. We've been going through them.

3 MS. REZAZADEH: I'm not going to be able to  
4 have you question her about them. I haven't had the  
5 chance to -- We haven't had the chance to review them.  
6 I haven't had a chance to review them. So if you want  
7 to take a break so I can review them with her?

8 MS. ANDREWS: I have a packet coming to  
9 y'all and hopefully y'all will produce some documents to  
10 me because I don't have anything.

11 MS. REZAZADEH: We're not going to be able  
12 to allow you to ask her questions about documents that  
13 you haven't produced and --

14 MS. ANDREWS: I already got the one I wanted  
15 on the record.

16 (Defendant's Exhibit No. 2 was marked.)

17 Q. (BY MS. ANDREWS) So with regard to the  
18 complaint we discussed earlier, did you ever -- have you  
19 had a chance to look at the complaint that was filed in  
20 this case?

21 A. **No, I have not reviewed it.**

22 Q. So you don't know the allegations that have been  
23 and the basis of the claim in the lawsuit that you're  
24 asserting against my clients?

25 A. **Just to clarify, you're saying that this is the**

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1 **counter-claim?**

2 Q. No, this is this complaint that your attorney's  
3 filed on your behalf against --

4 A. **Yes, I have. Yes, I have seen this.**

5 Q. Okay. So earlier, we were discussing overtime  
6 allegations; do you recall that discussion?

7 A. **Yes.**

8 Q. And one of the claims in the case -- I thought I  
9 had written down the page number, but I have not.

10 So the second cause of action in your  
11 complaint is there was a failure to pay overtime wages;  
12 do you see that?

13 A. **Yes.**

14 Q. And do you have any specific week that you can  
15 identify where you worked 40 hours?

16 A. **Without seeing the club records, no.**

17 Q. Other than the club records, would you have any  
18 way to identify whether there were overtime hours due?

19 A. **Not that I recall.**

20 Q. And if the club records don't show that you ever  
21 worked 40 hours a week, is it your contention that that  
22 would be correct?

23 MS. REZAZADEH: Objection, form. I'm going  
24 to instruct her not to answer. The question is  
25 misleading. She can't answer when she hasn't seen the

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1 club records you're relying on.

2 MS. ANDREWS: I don't think that's  
3 misleading.

4 Q. (BY MS. ANDREWS) And are you stating that the  
5 club records are the only records that would be able to  
6 prove or disprove whether you had overtime?

7 MS. REZAZADEH: Objection.

8 You can answer, Brooke, if you can.

9 A. **I don't know how to answer this one.**

10 MS. REZAZADEH: You're fine. Just answer  
11 whatever you know.

12 A. **Just depending on how well of records the club  
13 kept, then yes.**

14 Q. (BY MS. ANDREWS) Can you independently identify  
15 a week that you worked more than 40 hours?

16 A. **No, not off the top of my head.**

17 Q. Was there a week that you know of that you  
18 actually worked more than 40 hours?

19 MS. REZAZADEH: Objection, asked and  
20 answered.

21 A. **Not off the top of my head, but I know there  
22 were some weeks that I did go in and work five to six  
23 shifts, potentially more.**

24 Q. (BY MS. ANDREWS) Okay. What weeks were those?

25 A. **Typically rent weeks.** SUPP APPX 190

1 Q. When was a rent week?

2 A. **Usually the end of the month and the first week**  
3 **of the month, depending on when rent was due, which was**  
4 **typically the third or the fifth?**

5 Q. And if that is not reflected in any of the  
6 records, do you have any other way to prove that you  
7 worked overtime?

8 A. **No.**

9 Q. According to their records, the first day that  
10 you worked would have been July 15, 2018; does that  
11 sound correct to you?

12 MS. REZAZADEH: Objection, form. Again, I'm  
13 not going to allow her to answer questions about records  
14 she's not had an opportunity to review, neither have I.

15 Q. (BY MS. ANDREWS) Does July 15, 2018 sound like  
16 the first date you may have worked?

17 A. **Potentially. It depends on the contract that I**  
18 **signed for 2018 and when that date was.**

19 Q. And then November 27, 2000 -- November 27, 2019  
20 is the last time they have you signed in in 2019; does  
21 that sound like the correct date -- last date you  
22 worked?

23 MS. REZAZADEH: I'm going to object and  
24 instruct my client not to answer. This is misleading  
25 questioning because she has not had the benefit of

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1 reviewing the records you're relying on, neither have I.

2 Q. (BY MS. ANDREWS) Do you recall testifying  
3 earlier that your last day was sometime in December  
4 2019?

5 MS. REZAZADEH: Go ahead, Brooke.

6 A. **Yes.**

7 Q. (BY MS. ANDREWS) Could it actually have been  
8 November 27, 2019?

9 A. **Without seeing the records, I don't know.**

10 Q. Do you have anything to show or prove that you  
11 worked at all in December of 2019?

12 A. **Not at this time.**

13 Q. Not at this time or there is not anything?

14 A. **Not at this time.**

15 Q. What documents do you think you have that could  
16 prove that you worked in December 2019?

17 A. **I don't actually know.**

18 Q. What would you --

19 What are you wanting to look at and refer to  
20 to prove that you worked in December of 2019?

21 A. **I remember having a show with my Burlesque group**  
22 **for December. December was usually whenever we were**  
23 **traveling for shows. And I remember I had to miss a**  
24 **show that was in Denton on December 6, 2019 because I**  
25 **had come from a club drunk, so I could not perform. So**

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1 **that would be my for sure date.**

2 Q. And you testified earlier that you didn't work  
3 in June or July because you were working at the Mens  
4 Club, correct?

5 MS. REZAZADEH: Objection, misstating  
6 testimony.

7 A. **Again, I don't know the for sure months; that is**  
8 **my best guess, but I do know it was during the summer at**  
9 **some point.**

10 Q. (BY MS. ANDREWS) Okay. Would it be accurate to  
11 say it was from about May 15th until August 3rd you did  
12 not provide services?

13 MS. REZAZADEH: Objection, asked and  
14 answered.

15 A. **Do you have documentation stating those dates?**

16 Q. (BY MS. ANDREWS) Yeah, I do but your attorney  
17 doesn't want for you to look at them yet.

18 MS. REZAZADEH: She didn't want to produce  
19 them.

20 MS. ANDREWS: As I stated on the record, I  
21 received them yesterday.

22 MS. REZAZADEH: While we're on the record, I  
23 saw that's like a 100-page document. Are you going to  
24 serve those on plaintiffs today?

25 MS. ANDREWS: Yeah, I actually have a

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1 printed copy and I'll get those out to you.

2 MS. REZAZADEH: Thank you.

3 MS. ANDREWS: You're welcome. And I would  
4 really appreciate if y'all would produce any documents  
5 because we have nothing from y'all and it's not  
6 appropriate to say that you'll produce it at an agreed  
7 upon time under the Federal Rules of Civil Procedure.  
8 So if y'all could actually produce them, that would be  
9 fantastic so that we're all in compliance.

10 Q. (BY MS. ANDREWS) With regard to -- We've  
11 discussed, I think -- I think Exhibit 3 is --

12 MS. ANDREWS: Donna, is Exhibit 4 the  
13 contract? I believe that's already been marked. Can  
14 you confirm?

15 Q. (BY MS. ANDREWS) And in 2018, you testified  
16 that you signed the contract and you started working,  
17 correct?

18 A. **Whatever form you showed me, that's what I**  
19 **signed.**

20 Q. And this is actually the 2019 version, so this  
21 is the second time that you signed the contract?

22 A. **This does not -- To my recollection, this wasn't**  
23 **the same club or the same agreement that I signed when I**  
24 **start working in 2018. This was a new agreement that if**  
25 **they decided to rehire you, you had to sign it in order**

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**1 to be an independent contractor.**

**2 Q.** But you signed this one in 2019, correct?

**3 A. Yes.**

**4 Q.** And it wasn't forced on you to be there; you  
**5** chose to sign again, correct?

**6** MS. REZAZADEH: Objection, form.

**7 A. If I wanted to continue working at PT's, it was**  
**8 required that I had to sign this.**

**9 Q.** (BY MS. ANDREWS) And this would have been the  
**10** second time you signed a License And Lease Agreement  
**11** with them, correct?

**12** MS. REZAZADEH: Objection, I'm going to  
**13** instruct her not answer because if you have an agreement  
**14** she signed in 2018 then you need to show it to her. You  
**15** haven't produced it. She hasn't had the benefit of  
**16** reviewing it.

**17** MS. ANDREWS: She's already testified she  
**18** signed the document in 2018.

**19** MS. REZAZADEH: Yeah, but she doesn't --

**20** MS. ANDREWS: She's already testified she  
**21** signed the document in 2018, that it was the license and  
**22** lease agreement.

**23** MS. REZAZADEH: You're misleading. Go  
**24** ahead.

**25 A. Can I see the 2018 document that you're**

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**1 referring to?**

**2 Q.** (BY MS. ANDREWS) I don't have that one. I have  
**3** the 2019 one, which is the one, the second document  
**4** you're saying you signed in January of 2019.

**5 A. Yes, this is the document I signed in 2019. The**  
**6 club, again, the first one that I signed, I don't**  
**7 remember it being like this. It was just me putting in**  
**8 my name, and I thought it was...**

**9 Q.** Okay.

**10** (Defendant's Exhibit No. 5 was marked.)

**11** MS. ANDREWS: This is what's Exhibit 5 or  
**12** will be marked as Exhibit 5.

**13 Q.** (BY MS. ANDREWS) Have you seen these initial  
**14** disclosures before?

**15 A. I can't say for certain. This is the 2019 or**  
**16 this is the case??**

**17 Q.** This is the case. This is the thing your  
**18** attorneys prepared on your behalf, and I'm trying to  
**19** find out if you reviewed it so I can ask you about it.  
**20** But if you've never seen it, then we're wasting our  
**21** time. So does any of this look familiar to you?

**22 A. Again, I got a lot of documents, and I reviewed**  
**23 them as they came in. But I don't really have in detail**  
**24 understanding that an attorney would on the documents.**

**25 Q.** Have you seen this before?

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**1** MS. REZAZADEH: Objection, asked and

**2** answered.

**3** MS. ANDREWS: It has not been answered.

**4 Q.** (BY MS. ANDREWS) Have you seen this particular  
**5** document before?

**6 A. I believe so.**

**7 Q.** Okay. Other than your assumption that the  
**8** Mainstage Management, Inc. has ownership of PT's, is  
**9** there any other reason that you would consider them an  
**10** employer?

**11 A. Yes, they gave directions to management or**  
**12 anyone that worked for the club on what was supposed to**  
**13 happen. If this is Nick's company, then Nick is the**  
**14 owner, he created the requirements.**

**15 Q.** So what specifically are you saying that  
**16** Mainstage Management, Inc. did related to PT's?

**17** MS. REZAZADEH: Objection, vague, too  
**18** general.

**19** You can answer, Brooke, if you can.

**20 A. I mean, this is the company that -- It says at**  
**21 the top, it says Mainstage Management for d/b/a PT's**  
**22 Club for Nick. So they are the LLC that holds the**  
**23 company.**

**24 Q.** (BY MS. ANDREWS) Is it your understanding that  
**25** because Nick may or may not own an interest in Mainstage

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**1** Management, Inc., that's enough for it to be an  
**2** employer?

**3** MS. REZAZADEH: Objection, vague, ambiguous,  
**4** confusing.

**5 A. Can you scroll back up to top of this, please?**  
**6 Based off of what the defendants or who the defendants**  
**7 are, then yes, I would say they are the management for**  
**8 this club. Nick's Mainstage, Inc. Dallas PT's d/b/a**  
**9 PT's Mens Club and Nick Mehmeti like...**

**10 Q.** (BY MS. ANDREWS) Are you reading -- So I think  
**11** I'm -- There are two corporations that are being sued,  
**12** one being Mainstage Management, Inc., the other being,  
**13** Nick's Mainstage, Inc., which is Dallas PT's d/b/a PT's  
**14** Mens Club; do you see that?

**15 A. Yes. And if it says the management is in the**  
**16 name. So again, if this is someone that is a part owner**  
**17 of PT's, then yes, I would say that they have a say in**  
**18 how the club is run and how employees are treated versus**  
**19 independent contractors.**

**20 Q.** And if that entity does not have any ownership  
**21** of Nick's Mainstage, Inc. PT's, then you would agree  
**22** that they are not -- should not be in this case,  
**23** correct?

**24** MS. REZAZADEH: Objection, form, objection,  
**25** too general, calls for a legal conclusion.



MS. ANDREWS: It's not a proper objection.

MS. REZAZADEH: You can go ahead, Brooke.

**A. So does Mainstage Management have an ownership in PT's club? Do they have a stake in PT's club with Nick?**

**Q.** (BY MS. ANDREWS) Is that your understanding?

**A. It is my understanding that the management club as well as Nick's Mainstage would be the owners of the club and would dictate what an employee does and how the property is run.**

**Q.** So it's your belief that Mainstage Management, Inc. has an ownership in Nick's Mainstage, Inc. at PT's, and therefore that's why they're a party; is that correct?

MS. REZAZADEH: Objection, misstates testimony.

**A. I feel I've already answered that question, so I don't know how else to answer it.**

**Q.** (BY MS. ANDREWS) Have you received a document ever signed by Mainstage Management, Inc. related when you were working at PT's?

**A. Without seeing documentation, I can't say for sure.**

**Q.** Did you ever communicate with someone from Mainstage Management, Inc.?

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**A. Unless they were an employee at PT's and also Mainstage Management, Inc., I wouldn't have that information.**

**Q.** But do you have any interaction with anyone from Mainstage Management, Inc.?

**A. Without them disclosing that they are part of Mainstage Management, Inc., I would not be given that information.**

**Q.** Were you supervised by anybody from Mainstage Management, Inc.?

**A. Again, without knowing that they are represented by Mainstage Management as an employee, then that information is not readily given to independent contractors.**

**Q.** Other than the name of the entity, is there any reason for you to believe that Mainstage Management, Inc. was an employer of yours?

**A. Again, we weren't given the owners names for the club or who runs the club. I know that Nick is the owner of the club, but that doesn't mean other companies don't have stakeholds within the same club and also provide the requirements for independent contractors and how the club is ran.**

**Q.** My question was other than the name Mainstage Management, Inc., is there anything that makes you think

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that Mainstage Management, Inc. was an employer of yours?

MS. REZAZADEH: Objection, vague, objection and too general, plus asked and answered.

Brooke, go ahead just keep repeating yourself, I guess.

**A. Yeah, again, I wasn't given information. It's not like whenever as an independent contractor you're not given here are all of the owners; here's every single person that has stakehold.**

MS. ANDREWS: Objection, non-responsive.

**Q.** (BY MS. ANDREWS) Do you have anything other than the name of the entity that causes you to believe that Mainstage Management, Inc. was your employer?

MS. REZAZADEH: I'm going to ask you not to interrupt my client and to move on. Because now you're just harassing. You've asked her, and she's answered you repeatedly.

MS. ANDREWS: She has not answered my question. It's a simple yes-or-no question. She's saying I didn't have this information; I didn't have that. I'm just asking if there's something that forms her basis and belief other than the name of the company. And she's not answered the question.

MS. REZAZADEH: Like, just because she's not

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giving you the answer you want doesn't mean you get to ask it over and over again. She told you she doesn't know; she can't tell you.

MS. ANDREWS: That's not what I'm -- I'm asking if there is anything other than the name of the company that causes her to believe they're involved.

MS. REZAZADEH: Anything other than what? What other things would it be? Too general, too vague.

MS. ANDREWS: I'm asking why are they being sued. That's all I'm asking. If she doesn't have anything other than the name, she can say no. Is there something other than the name, tell me yes.

MS. REZAZADEH: She doesn't know what you're talking about. She's answered your bad question the best way she can.

You don't have to answer unless she asks you a question. She can re-ask the question again --

If you want.

-- and you can answer.

**Q.** (BY MS. ANDREWS) When was the first time you heard of Mainstage Management, Inc.?

**A. Am I allowed to see the document that I signed in 2019 or the one in 2018?**

**Q.** I'm just asking you when you first heard the

name Mainstage Management, Inc.

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1 **A. I know, and I'm under -- Like this is, like,**  
 2 **there -- you know, like I'm under oath right now. I**  
 3 **just want to make sure if I signed something in 2018 or**  
 4 **2019 that states Mainstage Management, I would just like**  
 5 **to see that to make sure that I'm answering correctly.**

6 **Q.** If you don't know, you don't know. Like I  
 7 really -- That's fine, too. Like, if you don't know,  
 8 say I don't know, and then we'll move on.

9 MS. REZAZADEH: That's fine. Go ahead,  
 10 Brooke. If you don't remember, you don't remember. If  
 11 you don't know, you don't know. Like, it's okay; it's  
 12 not the end of the world.

13 **Q.** (BY MS. ANDREWS) If this helps at all, I'm  
 14 scrolling PT's Mens Club to the signatory on that.

15 MS. REZAZADEH: If you want to represent to  
 16 her and I can represent to her, I don't think Mainstage  
 17 Management, Inc. is named in this contract, right,  
 18 Latrice?

19 MS. ANDREWS: I don't believe it's named in  
 20 this contract either.

21 **A. Is Nick's Mainstage in this contract?**

22 **Q.** (BY MS. ANDREWS) Probably not. It's signed by  
 23 PT's Mens Club.

24 **A. But is it under Nick Mehmeti?**

25 **Q.** It's signed as d/b/a PT's Mens Club?

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1 MS. REZAZADEH: Yeah, it's fine, Brooke, if  
 2 you don't remember. I mean, it's not on these contracts  
 3 if that's what you were worried about, like it not being  
 4 on one of these contracts and you potentially not  
 5 acknowledging that.

6 **Q.** (BY MS. ANDREWS) Yeah, I just want to know when  
 7 the first time you heard of Mainstage Management, Inc.

8 MS. REZAZADEH: Brooke.

9 **A. When this lawsuit was brought. Because again, I**  
 10 **wasn't given the parent company information whenever I**  
 11 **signed a contract with PT's Mens Club.**

12 MS. ANDREWS: Objection to the  
 13 non-responsive portion.

14 **Q.** (BY MS. ANDREWS) Did you ever receive any money  
 15 or payment from the club?

16 **A. No.**

17 **Q.** Did the club ever, the club itself, ever take  
 18 any money from you?

19 **A. Yes, the \$76 in which I've referenced where 10**  
 20 **goes to mom, that was mandatory; \$10 goes to Rubin,**  
 21 **which was mandatory; the 6 goes to the bar, which was**  
 22 **mandatory, and then a mandatory \$50 if I wanted to leave**  
 23 **before 7. And I also -- If I missed a shift, then it**  
 24 **would be \$100 that I had to pay them. So every time I**  
 25 **went to work, I paid the club to work; they never paid**

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1 **me.**

2 **Q.** And you made more -- Most of the time, you would  
 3 make more than you spent, correct?

4 **A. No, there were many a days -- there were many a**  
 5 **days that I either left negative or broke even. So**  
 6 **those -- Again, that's why that factor when you asked on**  
 7 **average how much I made, those were factored in there as**  
 8 **the variables.**

9 **Q.** And your average was 100 to \$200 a shift,  
 10 correct?

11 **A. Yes, with all of those factors included. Either**  
 12 **--**

13 **Q.** On average, you would make money, correct?

14 MS. REZAZADEH: Objection, too vague, calls  
 15 for calculations; she's not a mathematician.

16 **Q.** (BY MS. ANDREWS) Well, \$100 is a positive  
 17 number, correct?

18 **A. Yes.**

19 **Q.** And \$200 is a positive number, correct?

20 **A. Yes, but I've also given you negative numbers**  
 21 **that I have received as well by leaving the club owing**  
 22 **them money or having to pay that additional \$100 fee if**  
 23 **I missed a shift or having to pay my tip-out.**

24 **Q.** Your testimony was that on average, you would  
 25 make \$100 to \$200. This is on average, you would make

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1 100 to \$200 a shift; is that correct?

2 MS. REZAZADEH: Objection, vague.

3 **A. Based off of my previous testimony, yes, that is**  
 4 **correct.**

5 **Q.** (BY MS. ANDREWS) So on average, you made money  
 6 when you would work at the club?

7 MS. REZAZADEH: Objection, vague, too  
 8 general, confusing.

9 Go ahead, Brooke.

10 **A. I don't know how to answer that.**

11 **Q.** (BY MS. ANDREWS) If you would lose money or you  
 12 always got negative money, would you have gone somewhere  
 13 else?

14 **A. Yes, most people do not keep working at a job if**  
 15 **they're repeatedly losing money. Again, PT's was my**  
 16 **only option for a while, so that is where I worked.**  
 17 **Everyone's survival level is different. That was what**  
 18 **my survival level was at.**

19 MS. ANDREWS: And, Donna, can you find in  
 20 the transcript -- I just want to confirm when she talked  
 21 about six -- her average shifts being six hours and read  
 22 it back?

23 THE REPORTER: Give me one second.

24 MS. ANDREWS: Thank you.

25 (The requested portion was read.)

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MS. ANDREWS: That's what I needed to know.

I pass the witness.

MS. REZAZADEH: Thanks for your time,  
Brooke. I just have a few questions for you.

# EXAMINATION

BY MR. REZAZADEH:

**Q.** So Exhibit 4, that agreement that Latrice showed you earlier, when was that signed?

**A. The one that was signed in January, January 3, 2019?**

**Q.** Uh-huh.

**A. Yes.**

**Q.** So do you recall signing an agreement at PT's prior to that agreement?

MS. ANDREWS: Objection.

**Q.** (BY MS. REZAZADEH) Huh? Go ahead.

**A. Not that looked like the one I signed in 2019.**

**Q.** Okay. Did you -- Could you perform in flats or flip-flops at PT's? What was the answer?

**A. No, it was required that I had to wear what were considered dancer heels.**

**Q.** Okay. Were there any other dress code requirements like that?

**A. It was mandatory that we had to dress up for the -- whatever monthly theme there was. And if you were**

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**not dressed up even if that fell during one of your first shifts, you had to wear a costume or you would be asked to leave. And that did happen to me once. I was trying to come in to get either my first or my last shift for that week before the week started again, and was told I could not work because did not have the costume.**

**Q.** Who told you that?

**A. Management.**

**Q.** Okay. What about the -- You had to wear dancer heels; who told you that?

**A. Management. I was...**

**Q. You said earlier you got tips performing on stage?**

**A. Yes.**

**Q.** How did that work performing on stage?

**A. People would come up to the stage with cash to tip you or to set it on stage. But you -- Stage rotation was mandatory. The only times that you could -- If they skipped you, maybe you didn't hear them or you were with a client, they would charge you \$60 for each set that you skipped.**

**Q.** Was there any exception to that?

**A. If you had bought -- if your customer had bought a skybox, you got one skip, but there had been multiple**

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**times that you only get one skip. So if you're trying**

**to either extend the skybox or there's not enough girls,**

**you would still have to go down for your second shift or**

**you would be charged \$60.**

**Q.** Who collected the \$60?

**A. The club did.**

**Q.** Like who, specifically, you know, the person?

**A. Either the manager or the house mom.**

**Q.** Okay. Did you get to pick the music you performed to on stage?

**A. Typically, no. If -- We could say a genere, but we couldn't give specifics. Often times -- The only time you could dance to a specific song was if your customer paid \$20 to the DJ for him to play it.**

**Q.** When you arrived at work at PT's, did you have to -- What did you do? What did you have to do?

**A. If you got there and were on stage or on the floor before 11, your house fees were free. And then you -- So you come in, you get ready, you sign in with mom; they verify who's in there and on the floor by 11. If you're not on the floor by, I think it was honestly like 10:55, then you would have to pay a house fee.**

**So typically if you came in and it was after 11 and you couldn't get ready on time, then you had to check in with the door girl and get the slip which shows**

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**that you paid that fee, and then you would go and take it to mom and the DJ so they would know that you're there and about to get ready. And then in order to leave, I would go and pay the door girl \$50 to leave and then had to have mom and the DJ sign it only after I gave them my \$26 tip-out.**

**Q.** Did we look at some records, sign-in records from PT's together prior to your deposition?

**A. Yes, the ones that were -- I think there were three dates in December for 2018 that we have had.**

**Q.** Are those the only ones you've seen prior to your deposition today?

**A. Yes.**

**Q.** Okay. So you haven't had the opportunity to review any other sign-in records from PT's?

**A. Correct.**

MS. REZAZADEH: Pass the witness.

# EXAMINATION

BY MS. ANDREWS:

**Q.** The sign-in records that you did look at, did it have a column that talks about what the contract damages were or how much you were charged for when you left?

**A. Can you show those records, please?**

**Q.** I don't have the three that she's referring to in my things, so I don't have them.



1 I'm just asking if you recall seeing  
 2 anything about damages or the amounts that you paid on  
 3 those sign-in sheets?  
 4 **A. Those were typically -- That would be your fee**  
 5 **to leave.**  
 6 **Q.** So it wasn't always the same amount, correct?  
 7 **A. After January 2019, they changed it the standard**  
 8 **\$50. Before that, it was \$8 every 30 minutes that had**  
 9 **to be paid to the club, so that would vary.**  
 10 **Q.** So it's not always as you previously testified,  
 11 correct?  
 12 **A. In regards to the contract that I signed for**  
 13 **2019, the \$50 is accurate.**  
 14 **Q.** But it wasn't accurate for the entire term that  
 15 you were there, correct?  
 16 **A. Under the 2018 agreement that I signed, it was**  
 17 **at the time the standard \$60 or \$8 every 30 minutes.**  
 18 (Defendant's Exhibit No. 6 was marked.)  
 19 **Q.** (BY MS. ANDREWS) Okay. And just for purposes  
 20 that we've got all of the exhibits, I'm going to share  
 21 screen and ask if you have seen any of the discovery.  
 22 We talked about the initial discovery disclosures, I  
 23 think, which were Exhibit 5. The request for admissions  
 24 that you served your responses to, did you -- it's dated  
 25 -- Well, it's dated October 18th. I don't --

1 Do you recall seeing these before?  
 2 **A. I may have opened it, but I'm not sure I've gone**  
 3 **through this. It's a 42-page document.**  
 4 **Q.** All right. I'm just asking. And so that's  
 5 Exhibit 6. Exhibit -- I think this is 7. Seven is the  
 6 interros. Do you recall preparing these or being --  
 7 participating in the preparation of the request for the  
 8 interrogatory responses?  
 9 (Defendant's Exhibit No. 7 was marked.)  
 10 **A. Yes.**  
 11 **Q.** (BY MS. ANDREWS) Did you prepare verification  
 12 for these interrogatory responses?  
 13 **A. What do you mean by verification?**  
 14 **Q.** Did you sign a notarized statement saying that  
 15 these responses were true and correct?  
 16 **A. Not that I can recall.**  
 17 (Defendant's Exhibit No. 9 was marked.)  
 18 **Q.** (BY MS. ANDREWS) And this will be Exhibit 9,  
 19 which are the production responses, and you have  
 20 provided all -- These are the requests for production,  
 21 which will be Exhibit 9.  
 22 And you testified previously that you  
 23 provided all the responsive documents that you had to  
 24 your counsel, correct?  
 25 **A. Yes.**

1 MS. REZAZADEH: Objection, misleading.  
 2 **Q.** (BY MS. ANDREWS) And you provided the responses  
 3 documents that you gave to counsel, correct?  
 4 **A. Yes.**  
 5 **Q.** And you recognize this document as well?  
 6 **A. It looks like the other one, so possibly.**  
 7 **Q.** Then this is request for production number 3,  
 8 which specifically requested your tax returns, do you  
 9 see that?  
 10 **A. Yes.**  
 11 **Q.** And if you have not, could you please provide  
 12 those to counsel so they can be produced whenever  
 13 counsel produces documents? I'm going to stop share.  
 14 MS. ANDREWS: I pass the witness.  
 15 EXAMINATION  
 16 BY MS. REZAZADEH:  
 17 **Q.** Brooke, you testified -- how did you make money  
 18 at PT's?  
 19 **A. By -- primarily by giving dances.**  
 20 **Q.** Right, so who would you get money from?  
 21 **A. The customers.**  
 22 **Q.** What gets a customer to come to a club like  
 23 PT's?  
 24 **A. Whatever advertising, marketing specials. I**  
 25 **don't know the extent of what all that they do, but it's**

1 **not my job to get people into the club; I'm just there**  
 2 **to entertain people that come in.**  
 3 **Q.** Okay. So you didn't have any say at the  
 4 promotional events that they ran?  
 5 **A. Absolutely not.**  
 6 **Q.** Their advertising?  
 7 **A. No.**  
 8 **Q.** Specials, group specials?  
 9 **A. No.**  
 10 MS. REZAZADEH: Pass the witness.  
 11 EXAMINATION  
 12 BY MS. ANDREWS:  
 13 **Q. Who decided how many lap dances you could give**  
 14 **during a shift?**  
 15 **A. The clients. I did get as many lap dances as**  
 16 **clients bought.**  
 17 **Q. Did you also decide whether you wanted to give a**  
 18 **lap dance to somebody or not?**  
 19 **A. Yes.**  
 20 **Q. Were you also able to do things to increase the**  
 21 **amount of tips or money that was paid to you for a lap**  
 22 **dance?**  
 23 MS. REZAZADEH: Objection, vague.  
 24 **A. I mean, so PT's is a nude club, so you were more**  
 25 **likely to get more dances if you were nude, but that's**

1 it.

2 Q. (BY MS. ANDREWS) Was that something you could  
3 choose to do?

4 A. Yes, it was up to the dancers. But it was  
5 required that when you were on stage by the second song,  
6 you had to have your top off and you could not put it  
7 back on; you would get in trouble.

8 Q. So and your testimony is that if you were nude,  
9 you would make more money?

10 A. Not always. It's up to the dancer's  
11 comfortability.

12 Q. Is it your experience that ladies that were nude  
13 would make more money than ladies who were not?

14 A. I can't speak for other workers and how they  
15 work, but there would be some shifts where I would make  
16 more money if I kept my underwear on. So it really just  
17 depended on who came in that day.

18 Q. And did you have the flexibility to figure out  
19 what would make you the most money?

20 MS. REZAZADEH: Objection, vague, too  
21 general.

22 Q. (BY MS. ANDREWS) Did you have flexibility in  
23 deciding whether underwear on was more profitable than  
24 day than off?

25 A. Yes.

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1 Q. Did you have the ability to determine whether  
2 being nude was more profitable than wearing any, you  
3 know, lingerie or something like that?

4 MS. REZAZADEH: Objection, too general.

5 A. Again, it depends on what you're wearing. And  
6 some people really like the lingerie look. Again, it  
7 just depends on the clientele.

8 Q. (BY MS. ANDREWS) And those were decisions that  
9 you got to make?

10 MS. REZAZADEH: Objection, vague.

11 A. Again, it just depends. Because we were not  
12 allowed to wear fishnet tights or anything like that, so  
13 there was still some control even when we were  
14 considered nude of like we couldn't walk around the club  
15 topless or anything like that. Like, we always had to  
16 have our clothes on. We couldn't wear fishnets even if  
17 there was nothing else on them. So it just depends.

18 Q. (BY MS. ANDREWS) You've just testified that  
19 people were nude, so I'm confused.

20 A. It is a nude-optional club. That is primarily  
21 why people go in is because it's known for being a  
22 nude-optional club. That does not mean that everyone is  
23 nude, though. And that means that depending on the day  
24 and just how I was feeling, maybe I was menstruating or  
25 maybe I was just having a bad body day that would

1 determine what I decided to wear.

2 MS. ANDREWS: I pass the witness.

3 MS. REZAZADEH: Reserve for trial.

4 Thanks, Brooke. You can log off.

5 Appreciate you.

6 Oh, do you have any spelling questions for  
7 her, Donna, before she logs off?

8 THE REPORTER: No.

9 MS. REZAZADEH: Thanks, Brooke, I'll touch  
10 base with you later.

11 THE WITNESS: Okay. Thank you.

12 MS. REZAZADEH: Thanks so much.

13 Latrice, do you have any housekeeping for  
14 me? I think we got all the exhibits.

15 MS. ANDREWS: I think I tried to get all  
16 that squared away.

17 MS. REZAZADEH: All right. I think we're  
18 good. Donna, do you need anything from me? You know  
19 our order and you have our e-mail address, so you're  
20 good?

21 THE REPORTER: I think we're good.

22 MS. REZAZADEH: In the event defendant's  
23 order an expedited transcript, we ask that you notify us  
24 so that we can order one as well.

25 THE REPORTER: Absolutely.

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1 MS. REZAZADEH: Thank you. All right.

2 Latrice, have a good day.

3 MS. ANDREWS: All right. Thanks, you too.

4 Thank you, Donna. If you need me, call me.

5 THE REPORTER: Okay. Do you have any  
6 questions --

7 MS. ANDREWS: Or e-mail me. Sorry?

8 THE REPORTER: Do you have any questions for  
9 me?

10 MS. ANDREWS: No, I think -- how much do you  
11 think an expedited would be?

12 THE REPORTER: You know what it depends on  
13 how quickly you want it. I can send you a rate sheet so  
14 that you can look at it and you'll know exactly if you  
15 would like.

16 MS. ANDREWS: Yeah, what would be the  
17 standard turnaround?

18 THE REPORTER: Seven to ten business days.

19 MS. ANDREWS: Oh, that's perfect; I don't  
20 need it expedited.

21 THE REPORTER: Okay. Going off the record  
22 at 1:13.

23 (Deposition concluded at 1:13 p.m.)

24

25

CORRECTIONS AND SIGNATURE

PAGE	LINE	CORRECTION	REASON FOR CHANGE
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I, BROOKE LAYTON, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted herein.

BROOKE LAYTON

SUBSCRIBED AND SWORN to before me this the  
day of , 2021.

NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

My commission expires:

BROOKE LAYTON November 2, 2021

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COUNTY OF DALLAS )

STATE OF TEXAS )

I, Donna L. Johnston, certified shorthand reporter in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that there came before me the aforementioned named person, who was by me duly sworn to testify the truth concerning the matters in controversy in this cause; and that the examination was reduced to writing by computer transcription under my supervision; that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

Given under my hand and seal of office on this,  
the 17th day of November, 2021.

Donna L. Johnston, Texas CSR 6115  
Expiration Date 04-30-2022  
DEPOSITION REPORTING SERVICES  
6309 Preston Road, Suite 1300  
Plano, Texas 75024  
214-202-6237  
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